

THE CODE OF THE CITY
OF
VACAVILLE, CALIFORNIA
1958

The General Ordinances of the City

PUBLISHED BY ORDER OF THE CITY COUNCIL

Michie City Publications Company
of Los Angeles

Los Angeles, California

1958

ADOPTION OF CODE

ORDINANCE NO. 434

AN ORDINANCE OF THE CITY OF VACAVILLE, COUNTY OF SOLANO, STATE OF CALIFORNIA, ADOPTING A REVISION AND CODIFICATION OF THE ORDINANCES OF THE CITY OF VACAVILLE, CALIFORNIA, ENTITLED "THE CODE OF THE CITY OF VACAVILLE, CALIFORNIA, 1958" PROVIDING FOR THE REPEAL OF CERTAIN ORDINANCES NOT INCLUDED THEREIN WITH CERTAIN EXCEPTIONS, AND FOR OTHER PURPOSES HEREINAFTER SET OUT.

THE CITY COUNCIL OF THE CITY OF VACAVILLE DOES
HEREBY ORDAIN AS FOLLOWS:

Section 1. There is hereby adopted by the City of Vacaville that certain Code entitled "The Code of the City of Vacaville, California, 1958," containing certain ordinances of a general and permanent nature as compiled, consolidated, revised, codified and indexed in the following chapters, namely, Chapters 1 to 21, both inclusive, of which code not less than three copies have been and are now filed in the office of the City Clerk and which is hereby referred to and adopted by reference as if incorporated and set out at length in this ordinance under the

provisions of the Government Code of the State of California, Sections 50022.1 to 50022.8, inclusive.

Section 2. The provisions of such Code shall be in force on and after December 1, 1958, and all ordinances of a general and permanent nature in force on May 27, 1958, and not contained in such Code are hereby repealed from and after December 1, 1958, except as hereinafter provided.

Section 3. The repeal provided for in the preceding section of this ordinance shall not affect any offense or act committed or done or any penalty or forfeiture incurred or any contract or right established or accruing before December 1, 1958; nor shall such repeal affect any ordinance or resolution promising or guaranteeing the payment of money for the city or authorizing the issue of any bonds of the city or any evidence of the city's indebtedness or any contract or obligation assumed by the city; nor shall such repeal affect the administrative ordinances or resolutions of the council not in conflict or inconsistent with the provisions of such Code; nor shall it affect the annual tax levy; nor shall it affect any right or franchise conferred by ordinance or resolution of the city on any person or corporation; nor shall it affect any ordinance relating to the salaries of the city officers or employees; nor shall it

affect any ordinance naming, opening, accepting or vacating streets or alleys in the city; nor shall it affect any ordinance relating to zoning; nor shall it affect any ordinance establishing fire districts or zones; nor shall it affect Ordinance No. 55, declaring Map adopted July 16, 1896, as the official Map of the Town of Vacaville, Ordinance No. 70, regulating the construction of cesspools in the City of Vacaville, Ordinance No. 129, providing for the removal from streets, sidewalks and alleys of the City of Vacaville of weeds, grass, etc., Ordinance No. 136, concerning housing connections with public sewers and the maintenance of cesspools, Ordinance No. 140, establishing certain regulations concerning public and private sewers, Ordinance No. 195, establishing a city fire department and repealing all other ordinances in conflict therewith, Ordinance No. 196, concerning the election of the city council to avail itself of the services of the County Assessor, Auditor, and Tax Collector in connection with the assessment and collection of real property taxes within the City of Vacaville, Ordinance No. 206, regulating the operation of vehicles for hire, Ordinance No. 256, relating to the distribution of signs, bills, posters, etc., and Ordinance No. 331, as amended by Ordinance No. 413 relating to city sales tax; nor shall it affect any

prosecution, suit or proceeding pending or any judgment rendered on or prior to December 1, 1958; nor shall it affect any ordinance passed after May 27, 1958.

Section 4. That any violation of such Code shall be punishable by a fine not exceeding five hundred dollars or imprisonment for a term not exceeding six months or by both such fine and imprisonment.

THE FOREGOING ORDINANCE was introduced by Councilman Gilley at a regular meeting of the City Council of the City of Vacaville held on the 14th day of October, 1958, and passed at a regular meeting of the City Council of the City of Vacaville held on the 21st day of October, 1958, by the following vote:

AYES:	Councilmen - Gilley, Clark, Griffin, Moriel, Cobble
NOES:	Councilmen - None
ABSENT:	Councilmen - None

ATTESTED: Olive M. Hamlin
City Clerk

PREFACE

This volume, as originally published, constituted the first revision and codification of the general ordinances of the City of Vacaville, California. It contained such of the ordinances of a general and permanent nature passed prior to and including Ordinance No. 429, passed May 27, 1958, as were found desirable for retention, except those expressly saved from repeal by the Adopting Ordinance.

The Code now contains ordinances up to and including Ordinance No. 587, passed on December 27, 1965.

The ordinances were codified, edited and indexed by the Editorial Staff of Michie City Publications Company of Los Angeles.

The publishers wish to express their appreciation for the cooperation of all the city officials and employees during the preparation of this publication. Particular acknowledgment is due Mr. Walter W. Weir, Jr., City Attorney, and Mr. Robert H. Meyer, City Administrator, for their assistance during the progress of the work.

A feature to which the attention of the user is directed is the arrangement of the chapters in alphabetical order. Attention is also directed to the analysis preceding each chapter, which, in many instances, will serve as an index within itself. The general index, carried at the end of the Code, has been carefully prepared and should serve as an accurate medium for locating the individual sections of law within the Code. In the footnotes appearing through the Code will be found references to the applicable state law. These notes also contain cross references to other and related provisions in the City Code. By reference to the historical citation, appearing at the end of each section, the user will be able to ascertain the ordinance from which the present section has been derived.

It is a recognized fact that if any Code is to accomplish its intended purpose it must be kept up to date by means of an adequate supplemental service. Accordingly, the publishers point out the advisability and necessity of keeping this Code current.

The new City Code is presented to the officials and citizens of the City of Vacaville in the belief that it will merit their approval.

MICHIE CITY PUBLICATIONS COMPANY
OF LOS ANGELES

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CHAPTER 1.

GENERAL PROVISIONS.¹

1. For constitutional provisions of state relative to cities generally, see Const. of Cal., art. XI, § 1 et seq.

For state law as to power of city to codify ordinances, see Gov. C. A., §§ 50022.1 to 50022.8.

- Sec. 1.1. How Code designated and cited.
- 1.2. Definitions and rules of construction.
- 1.3. Provisions considered as continuations of existing ordinances.
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- Sec. 1.12. City seal--Description.
1.13. Same--Custodian.
1.14. Datum plane.

Sec. 1.1. How Code designated and cited.

The ordinances embraced in the following chapters and sections shall constitute and be designated "The Code of the City of Vacaville, California, 1958", and may be so cited.

Sec. 1.2. Definitions and rules of construction.

In the construction of this Code and of all ordinances of the city, the following rules shall be observed, unless such construction would be inconsistent with the manifest intent of the city council or the context clearly requires otherwise:

City. The words "the city" or "this city" shall be construed as if followed by the words "of Vacaville."

Code. The words "the Code" or "this Code" shall mean "The Code of the City of Vacaville, California, 1958."

Computation of time.² The time in which any act provided by law is to be done is computed by excluding the first day and including the last, unless the last day is a holiday, and then it is also excluded.

2. For similar state law, see Gov.
C. A., § 6800.

Council. Whenever the words "council" or "city council" are used, it shall be construed to mean the city

council of the City of Vacaville, California.

County. The words "the county" or "this county" shall mean the County of Solano of the State of California.

Day.³ A "day" is the period of time between any midnight and the midnight following.

3. For similar state law, see Gov.
C. A., § 6806.

Daytime, nighttime.⁴ "Daytime" is the period of time between sunrise and sunset. "Nighttime" is the period of time between sunset and sunrise.

4. For similar state law, see Gov.
C. A., § 6807.

Gender.⁵ The masculine gender includes the feminine and neuter.

5. For similar state law, see Gov.
C. A., § 12.

In the city. The words "in the city" shall mean and include all territory over which the city now has, or shall hereafter acquire, the jurisdiction for the exercise of its police power or other regulatory powers.

Jail. The jail in Vacaville may be considered the city jail.

Joint authority.⁶ All words giving a joint authority to three or more persons or officers shall be construed as giving such authority to a majority of such persons or officers.

6. See C. C., § 12.

Month.⁷ The word "month" shall mean a calendar month.

7. For similar state law, see Gov.
C. A., § 6804.

Number.⁸ The singular number includes the plural, and the plural the singular.

8. For similar state law, see Gov.
C. A., § 13.

Oath.⁹ "Oath" includes affirmation.

9. For similar state law, see Gov.
C. A., § 15.

Officer, office, employee, board, commission or department. Whenever any officer, office, employee, board, commission or department is referred to, it shall mean an officer, office, employee, board, commission or department of the city, unless the context clearly requires otherwise.

Or, and. "Or" may be read "and", and "and" may be read "or," if the sense requires it.

Owner. The word "owner," applied to a building or land shall include any part owner, joint owner, tenant in common, tenant in partnership, joint tenant or tenant by entirety, of the whole or of a part of such building or land.

Person.¹ "Person" includes any person, firm, association, organization, partnership, business trust, corporation or company.

1. For similar state law, see Gov.
C. A., § 17.

Personal property² includes every species of property except real property, as defined in this section.

2. See C. C., § 14.

Preceding, following. The words "preceding" and "following" mean next before and next after, respectively.

Process.³ "Process" includes a writ or summons issued in the course of judicial proceedings of either a civil or criminal nature.

3. For similar state law, see Gov. C. A., § 22.

Property.⁴ The word "property" shall include real and personal property.

4. See C. C., § 14.

Real property⁵ shall include lands, tenements and hereditaments.

5. See C. C., § 14.

Shall, may.⁶ "Shall" is mandatory and "may" is permissive.

6. For similar state law, see Gov. C. A., § 14.

Signature or subscription.⁷ "Signature" or "subscription" includes a mark when the signer or subscriber cannot write, such signer's or subscriber's name being written near the mark by a witness who writes his own name near the signer's or subscriber's name; but a signature or subscription by mark can be acknowledged or can serve as a signature or subscription to a sworn statement only when two witnesses so

sign their own names thereto.

7. For similar state law, see Gov.
C. A., § 16.

State. The word "the state" or "this state" shall be construed to mean the State of California.

Tenant or occupant. The words "tenant" or "occupant", applied to a building or land, shall include any person holding a written or oral lease of or who occupies, the whole or a part of such building or land, either alone or with others.

Tenses.⁸ The present tense includes the past and future tenses; and the future the present.

8. For similar state law, see Gov.
C. A., § 11.

Week.⁹ A "week" consists of seven consecutive days.

9. For similar state law, see Gov.
C. A., § 6805.

Writing.¹ "Writing" includes any form of recorded message capable of comprehension by ordinary visual means. Whenever any notice, report, statement or record is required or authorized by this Code, it shall be made in writing in the English language unless it is expressly provided otherwise.

1. For similar state law, see Gov.
C. A., § 8.

Year.² The word "year" shall mean a calendar year except where otherwise provided. (Ord. No. 141, § 4.)

2. For state law definition of "year",
see Gov. C. A., § 6803.

Sec. 1.3. Provisions considered as continuations of
existing ordinances.

The provisions appearing in this Code, so far as they are the same as those of ordinances existing at the time of the effective date of this Code, shall be considered as continuations thereof and not as new enactments.

Sec. 1.4. Effect of repeal of ordinances.

The repeal of an ordinance shall not revive any ordinances in force before or at the time the ordinance repealed took effect.

The repeal of an ordinance shall not affect any punishment or penalty incurred before the repeal took effect nor any suit, prosecution or proceeding pending at the time of the repeal, for any offense committed under the ordinance repealed.

Sec. 1.5. Severability of parts of Code.

It is hereby declared to be the intention of the city council that the sections, paragraphs, sentences, clauses and phrases of this Code are severable, and if any phrase, clause, sentence, paragraph or section of this Code shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Code.

Sec. 1.6. Official time.

Whenever certain hours are named herein, they shall mean Pacific Standard Time or Daylight Saving Time, whichever may be in current use in the city.

Sec. 1.7. Catchlines of sections.

The catchlines of the several sections of this Code are intended as mere catchwords to indicate the contents of the section and shall not be deemed or taken to be titles of such sections, nor as any part of the section, nor, unless expressly so provided, shall they be so deemed when any of such sections, including the catchlines, are amended or re-enacted.

Sec. 1.8. General penalty; continuing violations.³

Whenever in this Code or in any other ordinance of the city, any act is prohibited or is made or declared to be unlawful or an offense, or the doing of any act is required or the failure to do an act is declared to be unlawful or a misdemeanor, where no specific penalty is provided therefor, the violation of any such provision of this Code or any other ordinance of the city shall be punished by a fine not exceeding five hundred dollars or imprisonment for a term not exceeding six months, or by both such fine and imprisonment.

Every day any violation of this Code or any other ordinance of the city shall continue shall constitute a separate offense. (Ord. No. 141, §1.)

3. For state law authorizing cities to impose fines not exceeding five hundred dollars and imprisonment for terms not exceeding six months, or both, for violations of ordinances, see Gov. C. A., § 36901. For provision declaring violation of ordinance to be a misdemeanor, see Gov. C. A., § 36900.

As to citation for violation of city ordinances, see §§ 2.24 to 2.31 of this Code.

Sec. 1.9. Imprisonment in jail.

Any person sentenced to imprisonment for the violation of any provision of this Code or any other ordinance of the City, shall be imprisoned in the county jail. (Ord. No. 8, § 1; Ord. No. 37, § 2.)

4. For state law as to place of imprisonment and expense of imprisonment in county jail, see Gov. C. A., § 36903.

Sec. 1.10. Prisoner labor on public works.⁵

All prisoners sentenced to serve any time in the city jail may be compelled to labor on public works by the chief of police for a period of eight hours during every working day of the term of confinement of such persons unless the health officer, upon examination, shall ascertain that the prisoner is physically unable to work. (Ord. No. 141, §§1,3.)

5. For state law as to the authority of cities to require prisoners to labor on public works, see Gov. C. A., § 36904.

Sec. 1.11. Issuance of execution for satisfaction of fine.

In all cases where a judgment is found that the defendant pay a fine alone for the violation of any provision of this Code or any other ordinance of the city as provided in section 1.8 of this Code, execution may be issued thereon as on judgment in a civil action. (Ord. No. 37, § 3.)

Sec. 1.12. City seal--Description.

A seal consisting of a circular disc one and five-eighths inches in diameter and having thereon the following

inscription: "City of Vacaville, California, Incorporated Aug. 9, 1892" shall be the seal of the city.

Sec. 1.13. Same--Custodian.

The city clerk shall be the custodian of the city seal described in the preceding section.

Sec. 1.14. Datum plane.⁶

The term "mean sea level" shall be the level of the surface of the sea would assume if all disturbing influences of tide, current and wind are removed. "Mean sea level", the United States geological survey datum plane, is adopted as the official datum plane for the city.

6. As to use of datum plane to establish grades for streets and sidewalks, see § 17.2 of this Code.

CHAPTER 2.

ADMINISTRATION.

Article I. Council Meetings.

- Sec. 2.1. Time of regular meetings.
- 2.2. Place of meetings; adjournment to other locations.

Article II. Administrative Officer.

- Sec. 2.3. "City administrator" defined.
- 2.4 to 2.14. Repealed by Ordinance No. 485.
- 2.14-1. Office created; appointment; term; qualifications.
- 2.14-2. Bond required.
- 2.14-3. Compensation; reimbursement for expenses.
- 2.14-4. Absence from city, disability or suspension.
- 2.14-5. Powers and duties.
- 2.14-6. Responsibility of city council in relation to administrative officer.
- 2.14-7. Removal.

Administration

Article III. Director of Finance.

- Sec. 2.15. Office established.
- 2.16. Appointment; duties.
- 2.17. Transfer of financial and accounting duties of city clerk to director.

Article IV. City Planning Commission.

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- 2.28. Filing of duplicate notice; fixing, deposit and forfeiture of bail; order of no further proceedings.
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- 2.30. Violation of promise to appear a misdemeanor.
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Article VII. Bonds for City Officials.

- Sec. 2.32. City clerk and city treasurer.

Article I. Council Meetings.⁷

7. For state law as to council meetings, see Gov. C. A., §§ 36805 to 36814.

Sec. 2.1. Time of regular meetings.

The city council of the city shall hold regular meetings on the second and fourth Mondays of each month at 8:00 P. M. (Ord. No. 437, § 1.)

Sec. 2.2. Place of meetings; adjournment to other locations.

All meetings of the city council of the city shall be held in the council chambers in the City Hall located on the east side of Kentucky Street, between Walnut and Merchant Streets, in the City of Vacaville, Solano County, California; provided, however, the city council may adjourn to any other location within the city. On such adjournment, the city clerk shall cause to be posted on the door of the council chambers a notice of the other location of the meeting and the time thereof. (Ord. No. 437, § 2; Ord. No. 499, § 1.)

Article II. Administrative Officer.⁸

8. As to appointment of fire chief by city administrative officer, see § 9.1 of this Code. As to approval of expense allowance of fire chief by city administrator, see § 9.3.

Sec. 2.3. "City administrator" defined.

Where the term "city administrator" is used in this Code or any subsequent ordinance it shall mean the administrative officer as referred to in this article.

Secs. 2.4 to 2.14. Repealed by Ordinance No. 485.Sec. 2.14-1. Office created; appointment; term; qualifications.

The office of administrative officer of the city is hereby created and established. The administrative officer shall be appointed by the city council solely on the basis of his executive and administrative qualifications and ability and shall hold office at and during the pleasure of the city council.

Residence in the city at the time of appointment shall not be required as a condition of appointment of the administrative officer.

No person elected to membership on the city council shall, subsequent to such election, be eligible for appointment as administrative officer of the city until one year has elapsed after he has ceased to be a member of the city council. (Ord. No. 484, §§ 2, 3.)

Sec. 2.14-2. Bond required.

The administrative officer shall secure a corporate surety bond to be approved by the city council in such sum as may be determined by the city council and conditioned on the faithful performance of the duties imposed on the administrative officer as prescribed in this article. The bond fee shall be paid by the city. (Ord. No. 484, § 4.)

Sec. 2.14-3. Compensation; reimbursement for expenses.

The administrative officer or such person designated to perform his duties as provided in section 2.14-2 shall receive such compensation as the city council shall from time to time determine and fix, and such compensation shall be a proper charge against such funds of the city that the city council shall designate.

The administrative officer shall be reimbursed for all sums necessarily incurred or paid by him in the performance of his duties or incurred when traveling on business pertaining to the city under direction of the city council. Reimbursement shall only be made, however, when a verified itemized claim, setting forth the sums expended for which reimbursement is requested, has been presented to the city council and by the city council duly approved and allowed. (Ord. No. 484, § 7.)

Sec. 2.14-4. Absence from city, disability or suspension.

In case of the absence or disability or suspension of the administrative officer, the city council may designate some duly qualified person to perform the duties of the administrative officer during the period of absence or disability of the administrative officer, subject, however, to such person furnishing a corporate surety bond and conditioned on faithful performance of the duties required to be performed, as set forth in section 2.14-1. (Ord. No. 484, § 5.)

Sec. 2.14-5. Powers and duties.

The administrative officer shall be the administrative head of the city government under the direction and control of the city council, except as otherwise provided in this article. He shall be responsible for the efficient administration of all the affairs of the city which are under his control. In addition to his general powers as administrative head, and not as a limitation thereon, it shall be his duty and he shall have the power:

(a) To see that all laws and ordinances of the city are duly enforced, and that all franchises, permits and privileges granted by the city are faithfully observed.

(b) Subject to review by the city council, to control, order and give directions to all heads of departments, subordinate officers and employees of the city, except elected officers and their respective staffs, and to transfer employees from one department to another, and to consolidate or combine offices, positions, departments or units under his direction.

(c) To appoint and remove any officers and employees of the city except the elected officers and their respective staffs, subject to ratification by the city council.

(d) Under the direction of the city council, to exercise control over all departments of the city government and over all appointive officers and employees thereof, except elective officers and their respective staffs.

(e) To attend all meetings of the city council unless excused therefrom by the city council, except when his removal is under consideration by the council.

(f) To recommend to the city council for adoption such measures and ordinances as he deems necessary or expedient.

(g) To keep the city council at all times fully advised as to the financial conditions and needs of the city.

(h) To prepare and submit to the city council the annual budget.

(i) To prepare and to submit to the city council as of the end of the fiscal year a complete report on the finances and administrative activities of the city for the preceding year, such financial report not to be confused with city clerk's report to the state controller.

(j) To purchase or cause to be purchased all supplies for all of the departments or divisions of the city.

(k) To make investigation into the affairs of the city and any department or division thereof and any contract or the proper performance of any obligations of the city.

(l) To investigate all complaints in relation to matters concerning the administration of the city government and in regard to the service maintained by public utilities in the city and to see that all franchises, permits and privileges granted by the city are faithfully performed and observed.

(m) To exercise general supervision over all public buildings, public parks and other public property which are under the control and jurisdiction of the city council.

(n) To devote his entire time to the duties of his office and the interest of the city.

(o) To provide leadership for civic movements designed to benefit the residents of the city when so authorized by the city council.

(p) To supervise in general the operations of all departments of the city, securing special counsel as required.

(q) To act as personnel director until the city council shall establish a separate office therefore.

(r) In addition to the elective officers and their respective staffs, the voluntary fire department and the position of city attorney shall be excluded from the scope of the administrative officer's surveillance; provided, however, that the services and facilities of the city attorney shall be made available to the administrative officer.

(s) To perform such other duties and exercise such other powers as may be delegated to him from time to time by ordinance or resolution of the city council. (Ord. No. 484, § 8.)

Sec. 2.14-6. Responsibility of city council in relation to administrative officer.

The city council and its members in dealing with the administrative services of the city shall deal initially through the administrative officer, except for the purpose of inquiry.

It shall be the responsibility of the city council and its members to aid and assist in an advisory capacity any department head, individually or collectively on any phase of policy or public relations, such association not to conflict with the administrative duties of the administrative officer. (Ord. No. 484, § 9.)

Sec. 2.14-7. Removal.

The city council shall appoint the administrative officer for an indefinite term and may remove him by a three member vote. At least thirty days before such removal shall become effective, the city council shall by a three member vote of its members adopt a preliminary resolution stating the reason for his removal. By the preliminary resolution the council may suspend the administrative officer from duty but shall in any case cause to be paid him forthwith any unpaid balance of his salary, and his monthly salary shall continue to be paid for the next calendar month following the month of the adoption of the preliminary resolution. The city council in removing the administrative officer shall use its uncontrolled discretion, and its action shall be final. (Ord. No. 484, § 6.)

Article III. Director of Finance.⁹

9. As to duties of director of finance with reference to parking meter funds, see § 13.29 of this Code.

Sec. 2.15. Office established.

There is hereby established the office of director of finance of the city. (Ord. No. 398, § 1.)

Sec. 2.16. Appointment; duties.

The director of finance of the city shall be appointed by the city administrator of the city and shall perform the duties of director of finance in addition to other municipal duties. (Ord. No. 398, § 2; Ord. No. 461, § 2.)

Sec. 2.17. Transfer of financial and accounting duties of city clerk to director.

All of the financial and accounting duties of the city clerk are hereby transferred to the director of finance.

The director of finance shall perform all of the accounting and financial duties presently performed by the city clerk and shall have all necessary powers for their performance. (Ord. No. 398, §§ 3, 4.)

Article IV. City Planning Commission.¹

1. For state law authorizing city to create a planning commission, see Gov. C. A., § 65300. For state law as to the appointment of members of the city planning commission, see Gov. C. A., § 65332. For state law as to the number of planning commission members, see Gov. C. A., § 65330. For state law authorizing staggered terms for city planning commission members,

see Gov. C. A., § 65335. For state law as to removal of city planning commission members, see Gov. C. A., § 65341. For state law requirement that city planning commission elect its chairman and vice-chairman from among the appointed members but may appoint a secretary who need not be a member of the city planning commission, see Gov. C. A., § 65400. For state law as to meetings, see Gov. C. A., § 65401. For state law as to adoption of rules of proceedings and records of proceedings, see Gov. C. A., § 65402. For state law as to appointment of officers and employees, see Gov. C. A., § 65361. For state law governing funds from city planning commission, see Gov. C. A., § 65430.

As to subdivisions generally, see ch. 18 of this Code. As to adoption of lists of prohibited trees by city planning commission, see § 21.3. For the Zoning Ordinance, see the Appendix.

Sec. 2.18. Creation.

A city planning commission in and for the city is hereby established and created. (Ord. No. 308, § 1.)

Sec. 2.19. Composition; appointment.

The city planning commission shall consist of five members, not officials of the city. The members of the city planning commission shall be appointed by the mayor with the approval of the city council. (Ord. No. 308, § 2; Ord. No. 473; Ord. No. 486.)

Sec. 2.20. Powers and duties.²

The city planning commission shall have the powers and duties provided for by state law. (Ord. No. 308, § 3.)

2. For state law as to powers and duties of city planning commission generally, see Gov. C. A., §§ 65000 et seq.

Article V. Special Gas Tax Street Improvement Fund.³

3. For state law as to delegation of expenditure of money from the State Highway Fund provided the city has set up by ordinance a "Special Gas Tax Street Improvement Fund", see Sts. & H. C. A., § 196. Article 5 of Chapter 1 of Division 1 of the Streets and Highways Code will be found by referring to Sts. & H. C. A., §§ 182 to 207.

Sec. 2.21. Created.

To comply with the provisions of Article 5 of Chapter 1, of the Streets and Highways Code, with particular reference to the amendments, made thereto, by Chapter 642, Statutes of 1935, there is hereby created in the city treasury a special fund to be known as the "Special Gas Tax Street Improvement Fund". (Ord. No. 266, § 1.)

Sec. 2.22. Moneys to be deposited in fund.

All moneys received by the city from the state under the provisions of the Streets and Highways Code, for the acquisition of real property or interests therein for, or the construction, maintenance or improvement of streets or highways, other than state highways, shall be paid into the fund created by this article. (Ord. No. 266, § 2.)

Sec. 2.23. Expenditure of funds.

All moneys in the fund created by this article shall be expended exclusively, for the purpose authorized by and subject to, all of the provisions of Article 5, Chapter 1, Division 1, of the Streets and Highways Code. (Ord. No. 266, § 3.)

Article VI. Citation for Violation of City Ordinances.⁴

4. As to general penalty applicable to provisions of this Code, see § 1.8 of this Code.

Sec. 2.24. Preparation and contents of notice when
arrested person not taken immediately
before magistrate.⁵

Whenever a person is arrested for a violation of any provision of this Code or any other ordinance of the city, the violation of which is punishable as a misdemeanor, and such person is not immediately taken before a magistrate as is more fully set forth in the Penal Code of the state, the arresting officer shall prepare in duplicate a written notice to appear in court, containing the name and address of such person, the offense charged and the time and place where and when such person shall appear in court. (Ord. No. 428, § 1.)

5. For state law as to making arrests generally, see Pen. C., §§ 834 to 851.

Sec. 2.25. Time for appearance.

The time specified in the notice to appear provided for in the preceding section must be at least five days after such arrest. (Ord. No. 428, § 1.)

Sec. 2.26. Place of appearance.

The place specified in the notice to appear described in section 2.24 of this Code shall be before a judge of the Vacaville Judicial District, or before an officer authorized by the county to receive a deposit of bail. (Ord. No. 428, § 1.)

Sec. 2.27. Delivery of copy of notice to arrested person; release of arrested person upon signing duplicate notice.

The arresting officer shall deliver one copy of the notice to appear described in section 2.24 of this Code, to the arrested person and the arrested person in order to secure release must give his written promise so to appear in court by signing the duplicate notice which shall be retained by the officer. Thereupon the arresting officer shall forthwith release the person arrested from custody. (Ord. No. 428, § 1.)

Sec. 2.28. Filing of duplicate notice; fixing, deposit and forfeiture of bail; order of no further proceedings.

The arresting officer shall, as soon as practicable, file the duplicate notice signed as provided in the preceding section, with the magistrate. Thereupon the magis-

trate shall fix the amount of bail which in his judgment, in accordance with provisions of Section 1275 of the Penal Code of the state, will be reasonable and sufficient for the appearance of the defendant and shall endorse upon the notice a statement signed by him in the form set forth in Section 815(a) of the Penal Code of the state. The defendant may, prior to the date upon which he promised to appear in court, deposit with the magistrate the amount of bail thus set. Thereafter, at the time when the case is called for arraignment before the magistrate, if the defendant shall not appear, either in person or by counsel, the magistrate may declare the bail forfeited, and may in his discretion order that no further proceedings shall be had in such case. Upon the making of such order that no further proceedings be had, all sums deposited as bail shall forthwith be paid to the county treasury for distribution pursuant to Section 1463 of the Penal Code of the state. (Ord. No. 428, § 1.)

Sec. 2.29. Prerequisites for issuance of warrant for arrest.

No warrant shall be issued on such charge for the arrest of a person who has given written promise to appear in court, as provided in this article, unless and until he has violated such promise, or had failed to deposit bail, to appear for arraignment, trial or judgment, or to comply with the terms and provisions of the judgment as required by law. (Ord. No. 428, § 1.)

Sec. 2.30. Violation of promise to appear a misdemeanor.

Any person wilfully violating his written promise to appear in court, made pursuant to this article, is guilty of a misdemeanor regardless of the disposition of the charge upon which he was originally arrested. (Ord. No. 428, § 1.)

Sec. 2.31. Issuance of arrest warrant on failure to appear.

When a person signs a written promise to appear at the time and place specified in the written promise to appear, and has not posted bail as provided in section 2.28 of this Code, the magistrate shall issue and have delivered for execution a warrant for his arrest within twenty days after his failure to appear as promised, or if such person promises to appear before an officer authorized to accept bail other than a magistrate and fails to do so on or before the date which he promised to appear, then within twenty days after the delivery of such written promise to appear by the officer to a magistrate having jurisdiction over the offense.

When such person violates his promise to appear before an officer authorized to receive bail other than a magistrate the officer shall immediately deliver to the magistrate having jurisdiction over the offense charged the written promise to appear and the complaint if any filed by the arresting officer. (Ord. No. 428, § 1.)

Article VII. Bonds for City Officials.Sec. 2.32. City clerk and city treasurer.

The following named city officials shall each, before entering upon the duties of their respective offices, give a good and sufficient surety company bond to the city, duly approved by the city attorney, and conditioned upon the faithful performance and discharge of their respective duties and for proper application and payment of all money or property coming into their hands by virtue of their offices in the following amounts:

City clerk: \$10,000.00

City treasurer: \$10,000.00

The costs of such surety bonds shall be paid by the city. (Ord. No. 526, § 1.)

CHAPTER 3.

ALCOHOLIC BEVERAGE BUSINESS.⁶

6. For state law as to alcoholic beverages generally, see B. & P. C., § 23000 et seq.

- Sec. 3.1. Purpose and scope of chapter.
- 3.2. Permitted types of business.
- 3.3. Description of commercially zoned district area.
- 3.4. Alcoholic beverage businesses not conforming to provisions of chapter.

Sec. 3.1. Purpose and scope of chapter.

It is not intended by this chapter to repeal, abrogate, annul or in any way impair or interfere with existing provisions of other laws or ordinances, excepting those specifically repealed by the provisions of this

chapter, or with private restrictions placed upon property by covenant, deed or other private agreement, or with restrictive covenants running with the land to which the city is a party. Where this chapter imposes a greater restriction upon the use of land, buildings or structures than is imposed or required by such existing provisions of law, ordinances, contract or deed, the provisions of this chapter, shall control. (Ord. No. 405, § 1.)

Sec. 3.2. Permitted types of business.

The conducting within that portion of the commercially zoned district of the city, described in section 3.3 of this Code of a retail alcoholic beverage business other than an on-sale general or an off-sale alcoholic beverage business is prohibited. (Ord. No. 405, § 2.)

Sec. 3.3. Description of commercially zoned district area.

The commercially zoned district referred to in section 3.2 of this Code is Main Street between Davis Street and Cernon Street and Merchant Street between Main Street and Walnut Street, all within the city. (Ord. No. 405, § 3.)

Sec. 3.4. Alcoholic beverage businesses not conforming to provisions of chapter.

The lawful conducting of any alcoholic beverage business under an existing alcoholic beverage license issued by the California Department of Alcoholic Beverage Control, at the time of the enactment of the ordinance comprising this chapter⁷ within the territory described in section 3.3 of this Code may be continued although such does not conform to the provisions of this chapter. (Ord. No. 405, § 4.)

7. Editor's note.--The ordinance comprising this chapter was passed July 3, 1956.

CHAPTER 4.

ANIMALS AND FOWL.⁸

8. For state law as to negligent owners of mischievous animals, see Pen. C., § 399. As to liability of owner, etc., of animal killing, etc., animals on premises of others, see C. C. A., § 3341. For state law as to cruel, et., treatment of animals, see Pen. C., § 597. See also, Pen. C., § 594 et seq. For state law as to regulation of use of animals in diagnostic procedures and medical research, see H. & S. C. A., § 1650 et seq. See also, Pen. C., § 599 C.

As to throwing stones or other missiles at animals, see § 14.20 of this Code.

Article I. In General.

Animals and Fowl

- Sec. 4.1. Short title.
4.2. Definitions.
4.3. Disposition of proceeds derived pursuant to chapter.
4.4. Exhibition of animal licenses generally.
4.5. Estrays.
4.6. Duty of owner or person having control thereof in regard to livestock or wild animals generally.
4.7. Removal of dead animals.
4.8. Persons other than poundmaster taking up strays.
4.9. Biting animals to be quarantined for fourteen hours.
4.10. Fowl and rabbits running at large.
4.11. Display, sale, etc., of fowl and rabbits as novelties.
4.12. Cleanliness of premises where animals are kept generally.
4.13. Restraint of vicious animals.
4.14. Howling or noisy animals generally.
4.15. Trespassing animals generally.

Article II. Poundmaster and Deputies Generally.

- Sec. 4.16. Office of poundmaster established; appointment.
4.17. Eligibility for office.
4.18. Wearing of badges.
4.19. Police powers generally.
4.20. Powers and duties generally.
4.21. Exercise of powers and duties of poundmaster by deputies or other authorized persons.
4.22. Entering upon premises.
4.23. Bond of poundmaster.
4.24. Interference with duty.

Article III. Impounding.

- Sec. 4.25. When animals to be taken up and impounded generally.

Animals and Fowl

- Sec. 4.26. Care of impounded animals.
- 4.27. Notice to owner.
- 4.28. Reclaiming animals.
- 4.29. Procedure against owner of animal impounded more than twice in one year.
- 4.30. Destruction of certain impounded animals.
- 4.31. Fines and charges upon impounded animals.
- 4.32. Disposition of unclaimed animals--Unlicensed.
- 4.33. Same--Licensed.

Article IV. Dogs Generally.

Division 1. Generally.

- Sec. 4.34. Running at large in parks, etc.
- 4.35. Impoundment of unlicensed.
- 4.36. Running at large generally.
- 4.37. Report of biting animal.

Division 2. Licenses.

- Sec. 4.38. Procedure generally.
- 4.39. Compensation of persons authorized to issue licenses other than county employees.
- 4.40. Fees; when required.
- 4.41. Issuance.
- 4.42. Replacement of lost or stolen tag.
- 4.43. Exceptions from applicability of article.
- 4.44. Exhibition of license certificate and tag.
- 4.45. Removal of tag or collar, etc., to which attached.

Division 3. Kennels.

- Sec. 4.46. License fee; time for obtaining.
- 4.47. Construction; removal of dog from.
- 4.48. Certificate of poundmaster prerequisite to issuance of license.

Sec. 4.49. Individual license to be obtained when dog removed.

4.50. Applicability of division to certain animal shelters.

Sec. 4.1. Short title.

This chapter shall be known and may be referred to in all pleadings and proceedings as "The Animal Ordinance". (Ord. No. 429, § 1.)

Sec. 4.2. Definitions.

For the purpose of this chapter, the following words and phrases shall have the meanings ascribed to them in this section:

Animal. The word "animal" shall mean any animal, poultry, bird, reptile, fish or any other dumb creature.

At large. The term "at large" shall mean any animal off the premises of its owner and not under restraint by leash or chain, or not otherwise controlled by a competent person.

Cat. The word "cat" shall mean any cat of either sex or any age.

Dog. The word "dog" shall include female as well as male dogs.

Dog license. The words "dog license" shall refer to the license required to be annually issued for each individual dog.

Herded. The term "herded" shall mean any animal herded in violation of Section 423 of the Agricultural Code of the state.

Horse. The word "horse" shall include mule, burro, pony, jack, hinny or jenny.

Kennel. The word "kennel" shall mean any person engaged in the commercial business of breeding, buying, selling or boarding dogs and cats.

Licensed dog. The term "licensed dog" shall mean any dog for which the license for the current year has been paid and to which the tag provided for in this chapter is property attached.

Owner. The word "owner" shall mean any person owning, having an interest in, or having control or custody or possession of any animal.

Unlicensed dog. The term "unlicensed dog" shall mean any dog for which the license for the current year has not been paid or to which the tag provided for in this chapter is not attached. (Ord. No. 429, § 2.)

Sec. 4.3. Disposition of proceeds derived pursuant to chapter.

The city poundmaster shall pay into the county treasury all fees collected by him in the discharge of his duties under this chapter, and the city tax collector shall likewise pay all license fees by him collected into the county treasury, and the county treasurer shall deposit all such moneys in the General Fund. Such deposits shall be made by the poundmaster and tax collector on or before the fifth day of each month, and the poundmaster shall render with the money so deposited by him an itemized statement of collections,

which statement shall be separately filed and preserved together by the county auditor. (Ord. No. 429, § 20.)

Sec. 4.4. Exhibition of animal licenses generally.

No person shall fail or refuse to exhibit the registration of any animal required to be licensed by this chapter when required to do so by the poundmaster. (Ord. No. 429, § 14.)

Sec. 4.5. Estrays.

Notwithstanding any provisions in this chapter to the contrary,⁹ the Agricultural Code of the state, Division 3, Chapter 5, shall be complied with in reference to stray bovine animals, horses, mules or burros. (Ord. No. 429, § 29.)

9. See Ag. C. A., §§ 381 to 424.

Sec. 4.6. Duty of owner or person having control thereof
in regard to livestock or wild animals
generally.

No person, owning or having control of any ox, steer, bull, cow, horse, colt, jack, mule, calf, sheep, goat or hog, or any animal commonly referred to as a "wild specie" shall:

- (a) Permit such animal to run at large in the city;
- (b) Cause or permit any such animal to be pastured, herded, staked or tied in any street, road, lane, alley, park or other public place;
- (c) Tie, stake or pasture or permit the tying, staking or pasturing of any such animal upon any private

property within the city without the consent of the owner or occupant of such property, or in such a way as to permit any such animal to trespass upon any street or public place or upon any such private property;

(d) Permit any of such animals to be or remain during the nighttime secured by a stake, or secured in any manner other than by enclosing such animal in a pen, corral or barn sufficient and adequate to restrain such animal, or by securely fastening such animal by means of a rope or chain of sufficient strength to restrain to some permanent object of sufficient size, strength and weight to effectively restrain such animal; or

(e) Fail to provide the necessary sustenance, drink, shelter or protection from the weather, or otherwise.
(Ord. No. 429, § 31.)

Sec. 4.7. Removal of dead animals.

All dead animals located on public property shall be handled and removed by the city poundmaster. (Ord. No. 429, § 32.)

Sec. 4.8. Persons other than poundmaster taking up strays.¹

Every person except the poundmaster or a duly authorized deputy taking up any stray animal or any such animal which is running at large contrary to the provisions of this chapter shall within twenty-four hours, Sundays and holidays excluded, thereafter give notice to the poundmaster of:

1. For state law as to taking up stray domestic animals, see Ag. C. A., § 391 et seq.

- (1) The fact that he has such animal in his possession.

(2) The complete description of such animal.

(3) The license number of such animal, if any, and by what county or municipal corporation issued. If such animal has no license, such person shall so state.

(4) The place where such animal is confined.

Every such person and any person in whose custody such animal may, in the meantime, be placed, shall deliver such animal to the poundmaster without fee or charge; and the poundmaster shall thereupon hold and dispose of such animal in the same manner as though such animal had been found at large and impounded by him. The provisions of the above paragraph shall not apply to an animal shelter maintained and operated under Title I, Division 2, Part 4 of the Corporation Code of the state²; however, any animal placed by the society must be licensed as required by this chapter. (Ord. No. 429, § 25.)

2. See Corp. C. A., §§ 10400 to 10406.

Sec. 4.9. Biting animals to be quarantined for fourteen hours.

Whenever it is shown that any dog or other animal has bitten any person, no owner or person having custody or possession thereof upon order of the health officer, shall fail, refuse or neglect to quarantine such animal and keep it tied up or confined for a period of fourteen days, or shall fail, refuse or neglect to allow the health officer or his deputies to make an inspection or examination thereof at any time during such period. No such dog or animal shall be removed without written permission of the health officer or his deputies. (Ord. No. 429, § 26.)

Sec. 4.10. Fowl and rabbits running at large.

It is hereby declared to be a nuisance and no

person shall suffer or permit any chickens, geese, ducks, turkeys, pheasants, doves, pigeons, squabs or similar fowl or rabbits, owned or controlled by him, to run or fly at large or go upon the premises of any other person in the city. (Ord. No. 429, § 33.)

Sec. 4.11. Display, sale, etc., of fowl and rabbits as novelties.

It shall be unlawful for any person to display, sell, offer for sale, barter or give away any baby chicks, rabbits, ducklings or other fowl as pets or novelties, whether or not dyed, colored or otherwise artificially treated. This section shall not be construed to prohibit the display or sale of natural chicks, rabbits, ducklings or other fowl in proper facilities by dealers, hatcheries or stores engaged in the business of selling the same to be raised for food purposes. (Ord. No. 429, § 33.)

Sec. 4.12. Cleanliness of premises where animals are kept generally.

Every person owning or occupying premises where any animal, fowl or bird is kept shall keep the stable, barn, stall, pen, coop, building or place in which such animal is kept in a clean and sanitary condition. (Ord. No. 429, § 34.)

Sec. 4.13. Restraint of vicious animals.

It shall be unlawful to permit any vicious dog or dangerous animal to go unrestrained. (Ord. No. 429, § 35.)

Sec. 4.14. Howling or noisy animals generally.

The keeping or harboring of any dog, cat or other animal or fowl whether licensed or not, which by habitual howling, yelping, barking or other noise disturbs or

annoys any considerable number of persons or neighborhood is unlawful, and is hereby declared to be a public nuisance. (Ord. No. 429, § 35.)

Sec. 4.15. Trespassing animals generally.

It shall be unlawful to suffer or permit any animal or fowl to trespass on private or public property so as to damage or destroy any property or thing of value and the same is hereby declared to be a nuisance and any such animal may be impounded by the poundmaster. Whenever it shall be affirmed in writing by three or more persons having separate residences, or regularly employed in the neighborhood that any animal is a habitual nuisance by reason of trespassing, howling, barking or other noise, or damage to property, being vicious or by its actions potentially vicious or in any other manner causing undue annoyance, the poundmaster if he finds such nuisance to exist, shall serve notice upon the owner or custodian that such nuisance must be abated. (Ord. No. 429, § 35.)

Article II. Poundmaster and Deputies Generally.

Sec. 4.16. Office of poundmaster established; appointment.

There is hereby created and established the office of city poundmaster who shall be the county poundmaster who, with his deputies, shall be appointed and hold office as provided in Solano County Ordinance No. 434. (Ord. No. 429, § 3.)

Sec. 4.17. Eligibility for office.

No person shall be eligible to the office of the city poundmaster or deputy to the city poundmaster unless

he be a citizen of the United States and over the age of twenty-one years. (Ord. No. 429, § 4.)

Sec. 4.18. Wearing of badges.

The poundmaster and his deputies, while engaged in the execution of their duties, shall wear in plain view a badge having, in the case of the poundmaster, the word "poundmaster", and in the case of the deputy poundmaster, the words "deputy poundmaster", engraved thereon. (Ord. No. 429, § 5.)

Sec. 4.19. Police powers generally.

The poundmaster and all deputy poundmasters shall, upon appointment as provided in this article, and during the tenure of their office, become and be vested with the powers and duties of peace officer of the city and each shall have the power and it shall be their duty to make arrests for violations of any of the provisions of this chapter. (Ord. No. 429, § 6.)

Sec. 4.20. Powers and duties generally.

The powers and duties of the poundmaster and his deputies shall be as follows:

(a) To enforce all provisions of this chapter and all the laws of the state relating to the care, treatment and impounding of dumb animals;

(b) To make arrests for the violation of any of the provisions of this chapter; and

(c) To maintain and keep a pound or other place, as directed by the board of supervisors, where all animals enumerated which are subject to be impounded, may be kept and safely held. (Ord. No. 429, § 7.)

Sec. 4.21. Exercise of powers and duties of poundmaster
by deputies or other authorized persons.

Whenever, by the terms of this chapter, a power is granted to or a duty is imposed upon the poundmaster or other public officer, the power may be exercised or the duty may be performed by a deputy of the officer or by a person authorized, pursuant to law, by the officer, unless this chapter expressly provides otherwise. (Ord. No. 429, § 2.)

Sec. 4.22. Entering upon premises.

The poundmaster is authorized to enter upon any premises upon which any animal is kept, for the purpose of taking up, seizing or impounding any animal found running at large, or staked, herded or grazed thereon contrary to the provisions of this chapter or for the purpose of ascertaining whether such animal is licensed as provided in this chapter; provided further, that the poundmaster shall make a reasonable effort to notify the occupant of the premises within which such animal is located in accordance with section 4.27 of this Code. (Ord. No. 429, § 13.)

Sec. 4.23. Bond of poundmaster.

The poundmaster shall, upon his appointment to the office, give a bond to the county in an amount established from time to time by the board of supervisors. (Ord. No. 429, § 8.)

Sec. 4.24. Interference with duty.

No person shall interfere with the poundmaster or his deputies in the performance of their official duties. (Ord. No. 429, § 16.)

Article III. Impounding.³

3. For state law as to killing of impounded dogs, see Ag. C. A., § 439,26.

Sec. 4.25. When animals to be taken up and impounded generally.

It shall be the duty of the poundmaster to take up, impound and safely keep any of the animals enumerated in this chapter found running at large, staked, tied or being herded or pastured in any street, road, lane, alley court, square, park or other place belonging to or under the control of the county, or upon any private property in the county, contrary to the provisions of this chapter. (Ord. No. 429, § 9.)

Sec. 4.26. Care of impounded animals.

When any animal is impounded, pursuant to the preceding section, it shall be provided with proper and sufficient food and water by the poundmaster. (Ord. No. 429, § 10.)

Sec. 4.27. Notice to owner.

The poundmaster shall immediately upon impoundment of dogs or other animals make a reasonable effort to notify the owners of such dogs or other animals impounded and further by complying with section 4.33 of this Code in the case of a licensed dog and inform such owners of the conditions whereby they may regain custody of such animals. (Ord. No. 429, § 11.)

Sec. 4.28. Reclaiming animals.

The owner of any impounded animal shall have the right to reclaim the same at any time prior to the lawful

disposition thereof upon payment to the poundmaster of the costs and charges provided for in section 4.31 of this Code for the impounding and keeping of such animals. (Ord. No. 429, § 12.)

Sec. 4.29. Procedure against owner of animal impounded more than twice in one year.

The poundmaster shall proceed under section 1.8 of this Code against the owner of any animal impounded more than two times in any one-year period. (Ord. No. 429, § 18.)

Sec. 4.30. Destruction of certain impounded animals.

It shall be the duty of the poundmaster, and he is hereby authorized and empowered to forthwith destroy any animal lawfully impounded, which is by reason of injury, disease or other cause, unfit for further use, or is dangerous to keep impounded. (Ord. No. 429, § 19.)

Sec. 4.31. Fines and charges upon impounded animals.

The poundmaster shall charge, receive and collect the following fines and charges upon impounded animals:

- (a) For every dog the sum of.....\$2.00
- (b) For every cat the sum of.....\$1.00
- (c) For every cow, bull, steer, horse, mule, burro, pony, jack, jenny or hinny the special transportation costs, plus the sum of.....\$10.00
- (d) For every rabbit, bird, fowl or other animal not otherwise provided for in this section the estimated cost for this service.
- (e) For feeding and caring for animals, the following sums per day:

- (1) For each dog.....\$.50
- (2) For each cat.....\$.50

(3) For horses, mares, colts, mules, jacks, jennies, calves, sheep, lambs, goats and hogs, the sum of.....\$ 1.00

(4) For rabbits, birds, fowl or other animals not specified or set out in this section the sum of.....\$.50
(Ord. No. 429, § 17.)

Sec. 4.32. Disposition of unclaimed animals--Unlicensed.

Unless an unlicensed dog or animal shall have been redeemed within seventy-two hours after being impounded, Sundays and holidays excluded, such dog or animal may be sold by the poundmaster to the person offering to pay the highest cash amount therefor; provided, that the purchaser shall not be given possession of any dog or animal until he shall have paid to the city tax collector, the poundmaster or other authorized person the license fee prescribed for such dog or animal. If any dog or other animal impounded by the poundmaster shall not have been redeemed within such seventy-two hour period, and cannot be sold within a reasonable time thereafter, it may be destroyed by the poundmaster in a humane manner. (Ord. No. 429, § 28.)

Sec. 4.33. Same--Licensed.

Unless licensed dogs or animals have been redeemed within one hundred twenty hours after impoundment, Sundays and holidays excluded, such dogs or animals may be sold by the poundmaster to the person offering to pay the highest cash amount therefor. The poundmaster shall notify the registered owner of such animal by mail within twenty-four hours of impoundment. If any licensed dog or animal impounded by the poundmaster shall not have been redeemed within such one hundred twenty-hour period and cannot be sold within a reasonable time thereafter, the poundmaster is authorized to destroy such dog or animal in a humane manner. (Ord. No. 429, § 28.)

Article IV. Dogs Generally.Division 1. Generally.Sec. 4.34. Running at large in parks, etc.

It shall be unlawful for the owner or person having control of any dog to suffer or permit the same, under any circumstances, to run at large in any public park or public square, or in any school or upon any school grounds; or in any commercial district as defined by this Code or other city ordinance; and every dog found running at large in violation of the provisions of this section shall be immediately seized and impounded. (Ord. No. 429, § 22.)

Sec. 4.35. Impoundment of unlicensed.

It shall be the duty of the poundmaster, and his duly authorized deputies to take up all unlicensed dogs found in the streets, roads, lanes, alleys, parks or other public places, or upon any vacant, unoccupied or unenclosed lots, lands or premises within the city. (Ord. No. 429, § 23.)

Sec. 4.36. Running at large generally.

No person owning, having an interest in, harboring, or having charge, care, control, custody or possession of any dog shall cause or permit such dog to be in or upon any public street, road, alley or other public places or in or upon any unenclosed lot or premises, unless such dog be under restraint by leash or chain or at "heel" beside a competent person and obedient to that person's command, or confined within an automobile. (Ord. No. 429, § 24.)

Sec. 4.37. Report of biting animal.

Whenever any person having charge, care, control,

custody, or possession of any dog has knowledge that such dog has bitten any person, the person having charge, care, custody, control or possession of such dog shall report such fact forthwith to the health officer or his deputies. The report shall state the name and address of the person bitten and the time and place such person was bitten. (Ord. No. 429, § 27.)

Division 2. Licenses.⁴

4. As to licenses generally, see
Ch. 12 of this Code.

Sec. 4.38. Procedure generally.

The city tax collector is hereby authorized and directed to have prepared suitable application blanks and license tags to be issued to the owners of dogs, or persons having dogs in their custody and control, or who harbor dogs. Such tags shall be metallic, and shall have a stamp thereon bearing the name of the county and the year of its issuance. They shall be numbered serially, and each tag shall have its number stamped thereon and the owner or person harboring, controlling or having the custody of any dog as provided in this chapter shall pay to the city tax collector or the poundmaster or other duly authorized person, as hereinafter provided, the fee required in section 4.40 of this Code within the time provided in such section, and shall procure such license and tag and shall attach such tag to a collar, harness or other device to be permanently worn by the dog for which such license was issued. It shall be the duty of the owner harboring, controlling or having the custody of any registered dogs to inform the county tax collector of any change of address. The application forms referred to in this section shall bear the name and address of the

owner of such dog, the sex, color and breed of the dog for which such license is applied, and shall be signed by the owner or his duly authorized agent. Upon the issuance of such license, the city tax collector, the poundmaster or other duly authorized person shall endorse upon the application the number of the license tag issued in pursuance thereof, and all such applications so endorsed shall be filed in the office of the tax collector and shall be at all times open for public inspection.

It is hereby made the duty of the tax collector and poundmaster or other duly authorized person to collect in advance of the issuance of such license, the fee required in section 4.40 of this Code. The cost of procuring the necessary tags and application forms for such licenses are hereby declared to be a charge against the county. (Ord. No. 429, § 21.)

Sec. 4.39. Compensation of persons authorized to issue licenses other than county employees.

Any person, other than county employees, authorized by the county tax collector to issue licenses under this chapter shall receive in full, compensation for all services rendered under this chapter the sum of ten cents per license issued, to be allowed by the board of supervisors upon a claim verified by the county tax collector, filed and approved as other claims against the county. (Ord. No. 429, § 21.)

Sec. 4.40. Fees; when required.

Every person, owning or having control, custody or possession of any dog within the city shall procure a license for each such dog over four months of age, between the first day of July and the thirty-first day of August, next ensuing of each year hereafter, and shall

pay for such license as a license fee the sum of three dollars.

Any person failing to procure and pay for such license until after the thirty-first day of August of any year, shall pay as a penalty for such failure, in addition to license fees, the sum of three dollars; provided, however, that the additional penalty provided for in this section for nonpayment of license fees on or prior to August thirty-first in any year, shall not apply to the owner of any such dog who brings such dog into the city after the thirty-first day of August; nor shall any such penalty apply in any case where such dog is not yet four months of age on or prior to the thirty-first day of August, if such owner shall take out such license within ten days after bringing such dog into the city, or within ten days after such dog shall have arrived at the age of four months; provided further, that the full amount of such license tax shall be payable for any fraction of such year. (Ord. No. 429, § 21.)

Sec. 4.41. Issuance.

A dog license shall be issued upon the payment of the fees fixed in the preceding section and shall be renewed and the fees due and payable prior to August thirty-first of each year. (Ord. No. 429, § 21.)

Sec. 4.42. Replacement of lost or stolen tag.

Whenever a license tag, issued for the then current year by the city tax collector, the poundmaster or other duly authorized person, has been stolen or lost, the owner or possessor of the dog for which the same was issued, may, upon the payment of fifty cents to the city tax collector or such duly authorized person, receive a duplicate tag for the remaining portion of the then current year. (Ord. No. 429, § 21.)

Sec. 4.43. Exceptions from applicability of article.

No license tax shall be required with respect to licenses and tags issued for dogs which have been specially trained and are principally used for the purpose of leading persons with defective eyesight.

The provisions of this article shall not apply to any dog owned by or in the care of charge of a nonresident of the city who is traveling through the city or temporarily sojourning therein for a period not exceeding thirty days, nor to any dog temporarily brought into the city for the exclusive purpose of being entered in a bench show or dog exhibition; provided, that such dog is so entered and not kept elsewhere in the city. (Ord. No. 429, § 21.)

Sec. 4.44. Exhibition of license certificate and tag.

No person shall fail or refuse to show to the poundmaster, the deputy poundmaster or any duly authorized person of the city the license certificate and the tag for any duly registered dog kept or remaining within any home or upon any enclosed premises under his immediate control. (Ord. No. 429, § 21.)

Sec. 4.45. Removal of tag or collar, etc., to which attached.

No unauthorized person shall remove from any dog any collar, harness or other device to which is attached a registration tag for the current year, or to remove such tag therefrom. (Ord. No. 429, § 21.)

Division 3. Kennels.

Sec. 4.46. License fee; time for obtaining.

Every person owning or controlling a kennel or place where are kept four or more dogs for breeding, training, sale or other commercial purposes, shall pay an annual license fee of ten dollars for such kennel, which shall be the license for all dogs regularly kept therein. Such license fee shall be paid between the first day of July and the thirty-first day of August, of each year, and shall be a license for such kennel for the period of one year commencing the first day of July, and if paid after the thirty-first day of August of each year, shall be the sum of twenty dollars for such kennel. (Ord. No. 429, § 30.)

Sec. 4.47. Construction; removal of dog from.

All kennels or other places where dogs are kept in the city for breeding, training, sale or other commercial purposes, shall be so constructed as to prevent dogs confined therein from running at large off the premises where such kennel is maintained, and shall be maintained, operated and constructed in a sanitary and proper manner so that the same will not become a nuisance to the neighborhood thereof. Dogs may be removed from kennels for training or treatment purposes; provided, that competent control and supervision is maintained over such dogs at all times. (Ord. No. 429, § 30.)

Sec. 4.48. Certificate of poundmaster prerequisite to issuance of license.

No kennel license shall be issued until the poundmaster shall have first issued a certificate that the same is operated or is to be operated in accordance with the provisions of this division and such certificate shall be presented to the tax collector with an application for such kennel license. (Ord. No. 429, § 30.)

Sec. 4.49. Individual license to be obtained when
dog removed.

Whenever a dog is removed from any kennel, the owner thereof shall forthwith apply for and obtain an annual license as otherwise required by this division. (Ord. No. 429, § 30.)

Sec. 4.50. Applicability of division to certain animal
shelters.

The provisions of this division requiring the payment of an annual license fee, shall not apply to an animal shelter maintained and operated under Title 1, Division 2, Part 4 of the Corporation Code of the state.⁵ (Ord. No. 429, § 30.)

5. See Corp. C. A., §§ 10400 to 10406.

CHAPTER 5.

BICYCLES.⁶

6. As to bicycle riders clinging to moving vehicles, see § 13.4 of this Code.

- Sec. 5.1. License--Required.
- 5.2. Same--Application; issuance.
- 5.3. Same--Denial of request for license.
- 5.4. Same--Records to be kept.
- 5.5. License fee; transfer fee; disposition of fees collected.
- 5.6. License plates, seals and registration cards--Provision by city; specifications.
- 5.7. Same--Issuance.
- 5.8. Same--Attaching plates to bicycles; issuance of registration card or receipt.
- 5.9. Same--Report of loss, destruction, etc.; issuance of duplicates.
- 5.10. Same--Disposition when bicycle is destroyed or damaged beyond repair.
- 5.11. Daily report of dealers to police--Sales of new or secondhand bicycles.

- Sec. 5.12. Same--Purchases of secondhand bicycles.
5.13. Report of sales or transfers--Duty of owner.
5.14. Same--Duty of purchaser.
5.15. Stamping numbers on bicycle frames by police department.
5.16. Removal, alteration, etc., of frame numbers.
5.17. Removal, destruction, etc., of license plate, seal or registration card.
5.18. Riding double; pulling or pushing person or object with bicycle.
5.19. Lights and reflectors.
5.20. Impoundment of bicycles believed stolen from other cities; disposition of such bicycles; cooperation with other cities on stolen bicycles.
5.21. Riding on sidewalks.
5.22. Obedience to traffic signs and signals.
5.23. Parking.
5.24. Violation of chapter by persons under eighteen years of age; impoundment of bicycle.

Sec. 5.1. License⁷--Required.

It shall be unlawful for any person, residing within the city, to operate or use a bicycle propelled wholly or in part by muscular power upon any of the streets, alleys or public highways of the city without first obtaining from the police department a license therefor. (Ord. No. 425, § 1.)

7. As to licenses generally,
see ch. 12 of this Code.

Sec. 5.2. Same--Application; issuance.

The police department is hereby authorized to issue bicycle licenses upon written application, which license when issued, shall entitle the licensee to operate the bicycle for which the license has been issued upon all of the streets, alleys or public highways, exclusive of sidewalks, in the city. (Ord. No. 425, § 2.)

Sec. 5.3. Same--Denial of request for license.

The police department may refuse to issue a license for a bicycle to an applicant who does not have a reasonable knowledge of the provisions of this chapter and Section 452 of the Vehicle Code Annotated or if the applicant is unable to exercise reasonable control in operating a bicycle. (Ord. No. 425, § 15.)

Sec. 5.4. Same--Records to be kept.

The police department shall keep a record of the date of issue of each license for a bicycle, to whom issued and the number thereof. (Ord. No. 425, § 3.)

Sec. 5.5. License fee; transfer fee; disposition of fees collected.⁸

The license fee to be paid for each bicycle shall be one dollar, and shall be paid in advance; and pursuant to sections 5.13 and 5.14 of this Code, such license may be transferred when the ownership of the bicycle is transferred, and a fee of twenty-five cents shall be paid for the registration of such transfer. If the purchase or transferee of a bicycle which has been previously licensed, hereunder, fails to register such transfer, as provided in sections 5.13 and 5.14 of this Code, he shall then be required to take out a new li-

cense and pay a license fee of one dollar therefor. All license fees and transfer fees collected under this chapter shall be paid into the city treasury of the city. (Ord. No. 425, § 8.)

8. For state law as to authority of city to license for revenue and regulation purposes, see Gov. C. A., § 37101. As to authority of city to license in exercise of police power and for purpose of regulation, see B. & P. C., § 16000. As to licensing by cities generally, see B. & P. C., §§ 16000 to 16003.

Sec. 5.6. License plates, seals and registration cards--
Previously by city; specifications.

The city shall provide metallic license plates and seals, together with registration cards or receipts. The metallic license plates and registration cards or receipts shall have numbers stamped thereon in numerical order, beginning with number 1, and City of Vacaville stamped thereon; such metallic license plates shall be suitable for attachment upon the frames of bicycles. (Ord. No. 425, § 3.)

Sec. 5.7. Same--Issuance.

Upon approval of the application and payment of the license fee as required by this chapter, the Chief of police shall issue a bicycle license plate and registration card which shall be effective so long as the ownership of the bicycle remains in the licensee. (Ord. No. 425, § 3.)

Sec. 5.8. Same--Attaching plates to bicycles; issuance
of registration card or receipt.

It shall be the duty of the police department to

attach one metallic license plate to the frame of each bicycle and to issue a corresponding registration card or receipt to the licensee upon payment of the license fee provided for in this chapter. (Ord. No. 425, § 3.)

Sec. 5.9. Same--Report of loss, destruction, etc.; issuance of duplicates.

It shall be the duty of every license holder to immediately notify the police department of the loss, destruction or mutilation of any license plate, seal, registration card or receipt. The police department may thereupon issue duplicates thereof, at a cost of twenty-five cents. (Ord. No. 425, § 7.)

Sec. 5.10. Same--Disposition when bicycle is destroyed or damaged beyond repair.

It shall be the duty of every license holder to return his license plate, seal, registration card or receipt to the police department when the bicycle for which they were issued is destroyed or damaged beyond repair. (Ord. No. 425, § 7.)

Sec. 5.11. Daily report of dealers to police--Sales of new or secondhand bicycles.

All persons engaged in the business of selling new or secondhand bicycles are required to make a daily report to the police department, giving a list of all bicycle sales made by such dealers, which list shall include the name and address of each person to whom sold, the kind of bicycle sold, together with a description of and the frame number thereof, and the number of the metallic license plate attached thereto, if any. (Ord. No. 425, § 4.)

Sec. 5.12. Same--Purchases of secondhand bicycles.

All persons engaged in the business of buying secondhand bicycles are hereby required to make a daily report to the police department, giving the name and address of the person from whom each bicycle is purchased, the description of each bicycle purchased, the frame number thereof and the number of the metallic license plate found thereon, if any.

Sec. 5.13. Report of sales or transfers--Duty of owner.

It shall be the duty of every person who sells or transfers ownership of any bicycle, to report such sale or transfer by returning to the police department the registration card or receipt issued to such person as licensee thereof, together with the name and address of the person to whom the bicycle was sold or transferred. Such report shall be made within ten days of the date of sale or transfer. (Ord. No. 425, § 5.)

Sec. 5.14. Same--Duty of purchaser.

It shall be the duty of the purchaser or transferee of any bicycle, if a resident of the city, to apply for a transfer of registration within ten days of the date of the transfer or registration. (Ord. No. 425, § 5.)

Sec. 5.15. Stamping numbers on bicycle frames by police department.

Nothing in this chapter shall prohibit the police department from stamping numbers on the frames of bicycles on which no serial number can be found, or on which the number is illegible or insufficient for identification purposes. (Ord. No. 425, § 6.)

Sec. 5.16. Removal, alteration, etc., of frame number.

It shall be unlawful for any person to wilfully or

maliciously remove, destroy, mutilate or alter the number of any bicycle frame licensed, pursuant to this chapter. (Ord. No. 425, § 6.)

Sec. 5.17. Removal, destruction, etc., of license plate, seal or registration card.

It shall be unlawful for any person to remove, destroy, mutilate or alter any license plate, seal or registration card or receipt during the time in which such license plate, seal or registration card or receipt is operative. (Ord. No. 425, § 6.)

Sec. 5.18. Riding double; pulling or pushing person or object with bicycle.

It shall be unlawful for the rider or operator of a bicycle to carry, propel or convey any other person on any part of a bicycle, or to tow or pull any person or object from the rear thereof, or to push or propel any object or person in the front thereof. (Ord. No. 425, § 9.)

Sec. 5.19. Lights and reflectors.⁹

Every bicycle upon a street or highway at any time from a half hour after sunset to a half hour before sunrise and at any other time when there is not sufficient light to render clearly discernible any person or vehicle on the highway at a distance of three hundred feet, shall be equipped with a lamp emitting a white light visible under normal atmospheric conditions from a distance of three hundred feet in front of such bicycle and with a one and three-quarter inch or larger red glass reflector of a type approved by the police department on the rear so designed and located as to be visible for at least three hundred feet when directly in front of a motor vehicle displaying undimmed headlights, or with a rear lamp exhibiting a red light visible from a distance of three hundred feet to the

rear. All lamps, lenses and reflectors shall be kept in a clean condition at all times. (Ord. No. 425, § 10.)

9. For state law as to head lamps and rear lamps or reflectors on bicycles, see Veh. C. A., § 622. For requirement that reflectors, etc., be approved by state department of motor vehicles before sale, see Veh. C. A., § 645.

Sec. 5.20. Impoundment of bicycles believed stolen from other cities; disposition of such bicycles; cooperation with other cities on stolen bicycles.

The police department is authorized to investigate the possession and ownership of any bicycle bearing a license issued by any other city, and if there is probable cause for believing that the bicycle is a stolen bicycle, the police department may impound the same for a period not exceeding ten days; and if the police department finds that the same is a stolen bicycle, it shall then communicate with the appropriate enforcement officers of the city whose license the bicycle bears and advise the officers that the police department is holding the bicycle and will restore it to the appropriate enforcement officer of the city which has licensed the same, upon the payment to the city of the reasonable costs of the impounding and storage of the bicycle, but which charge shall at no time exceed the sum of ten dollars. In this connection, however, it is further provided, that where municipalities have entered into reciprocal agreements for the storage and return of bicycles licensed by the municipalities, that the fees and charges shall be those that may be provided by such reciprocal agreement. (Ord. No. 425, § 11.)

Sec. 5.21. Riding on sidewalks.

No person shall ride or operate a bicycle on any

sidewalk in front of schools, stores or buildings used for business purposes. Riding on sidewalks in a residential area shall be permissible for juveniles under the age of sixteen years, exercising due care and giving the pedestrian the right of way. (Ord. No. 425, § 12.)

Sec. 5.22. Obedience to traffic signs and signals.¹

Every person operating a bicycle in the city shall obey all traffic signs and signals. (Ord. No. 425, § 13.)

1. For state law prohibiting bicycles from vehicular crossings except when signs indicate otherwise, see Veh. C. A., § 608.

Sec. 5.23. Parking.

No person shall park any bicycle against any windows or parking meters or in the main traveled portion of the sidewalk or in such a manner as to constitute a hazard to pedestrians, traffic or property. If there are no bicycle racks or other facilities used to park bicycles in the vicinity, bicycles may be parked on the sidewalk in an upright position parallel to and within twelve inches of the curb. (Ord. No. 425, § 14.)

Sec. 5.24. Violation of chapter by persons under eighteen years of age; impoundment of bicycle.

Where this chapter has been violated by juveniles under the age of eighteen years, in lieu of a fine and imprisonment and in lieu of filing charges in the juvenile court, the chief of police may prohibit the operation upon the streets, alleys and public places in the city for a period not to exceed thirty days of a bicycle so used in such violation, in which event the bicycle so used in such violation shall be impounded by the chief of police and retained by him during the period of the operation which is prohibited and the owner's registration card shall be held for a like period. (Ord. No. 425, § 16.)

CHAPTER 6.

BUILDINGS AND BUILDING REGULATIONS.²

2. As to numbering buildings, see §§ 17.10 to 17.16 of this Code. As to duties of building inspector with reference to enforcement of the Zoning Ordinance, see § 5 of the Appendix.

Article I. Building Code.

- Sec. 6.1. Adoption by reference.
6.1-1. Amendments.

Article II. Electrical Code.

- Sec. 6.2. Uniform Electrical Code--Adoption by reference; creation of office of chief electrical inspector; board of arbitration.
6.3. Same--Amendments.

Article III. Plumbing Code.

- Sec. 6.4. Uniform Plumbing Code--Adoption by reference.

Sec. 6.5. Same--Amendments.

Article III-A. Heating and Comfort Cooling Code.

Sec. 6.5-1. Adoption by reference.

Article IV. Construction of Sidewalks, Curbs
and Gutters as Prerequisite to Issuance of
Building Permit.

- Sec. 6.6. "Unimproved property" defined.
6.7. Authority of city engineer.
6.8. When required.
6.9. Compliance with city specifications.
6.10. Endorsement on building permit.
6.11. Appeal from decision of city engineer.
6.12. Completion prerequisite to occupation, use or
connection of utilities.
6.13. Completion or deposit of estimated cost in lieu
thereof.
6.14. Disposition of deposit.

Article V. Fire Zones.

- Sec. 6.15. Fire Zone No. 1.
6.16. Fire Zone No. 2.
6.17. Fire Zone No. 2A.
6.18. Fire Zone No. 3.

Article I. Building Code.

Sec. 6.1. Adoption by reference.³

That certain document, three copies of which are on file in the office of the city clerk, being marked and designated as "Uniform Building Code, 1961 Edition, published in 1961 by Pacific Coast Building Officials Conference," be and the same is hereby adopted as the Building Code of the city for regulating the erection, construction, enlargement, alteration, repair, moving, removal, demolition, conversion, occupancy, equipment, use, height, area and maintenance of all buildings and structures in the city; providing for issuance of permits and collection of fees therefor; providing penalties for violation of such Building Code; declaring and establishing fire zones. All of the regulations, provisions, penalties, conditions and terms of such "Uniform Building Code, 1961 Edition, published in 1961 by the Pacific Coast Building Officials Conference" on file in the office of the city clerk are hereby referred to, adopted and made a part hereof as if fully set out in this chapter, except for the additions, revisions and omissions as set forth in this article. (Ord. No. 511, § 1.)

3. For state law as to adoption by reference, see Gov. C., §§ 50022.1 to 50022.8.

Sec. 6.1-1. Amendments.

"The Uniform Building Code, 1961 Edition, published by Pacific Coast Building Officials Conference in 1961" is hereby amended as follows:

(a) Section 303 (b) PLAN CHECKING FEES.

"Before plans and specifications are accepted for checking a plan checking fee in addition to the building permit fee shall be paid to the Building Official. The plan checking fee shall be one-half the building permit fee.

"EXCEPTIONS: A plan checking fee shall not be required for:

"1. Buildings or structures with a total valuation of less than \$5,000.00.

"2. Frame buildings or structures with no bearing walls, floors, or roof span in excess of twenty-four feet (24').

"3. Alterations and repairs of a nonstructural nature.

"4. Dwellings and apartment houses not exceeding two (2) stories in height."

(b)1. Section 1601 (a) FIRE ZONES DEFINED.

Editor's note.--The provisions of this amendment have been omitted as they referred to an ordinance number 358 which has now been superseded by an ordinance numbered 463 set out in this chapter as section 6.15 et seq.

2. The following shall be added to section 1711 (a):

"This subsection can be complied with only by compliance with either Research Recommendation, Report No. 1733.2, dated December 4, 1964, published by the International Conference of Building Officials, or Research Recommendation, Report No. 1820.1, dated February 7, 1964, published by the International Conference of Building Officials. Reports Numbered 1733.2 and 1820.1; hereinabove referred to, shall be kept on file in the office of the Building Inspector, City Hall, Vacaville, California."

3. Section 2628 is added hereto.

"Concrete used for driveways shall comply with each of the following:

"a. Minimum thickness - 4 inches actual.

"b. Provide an expansion joint at public walk or curb and at garage or carport slab.

"c. Provide contraction joints at approximately ten (10) feet intervals.

"d. Provide 6" x 6" wire mesh, minimum gauge number 10."

(c) Section 5105 (d) 5, is added hereto.

"Gas fired heating appliances installed in garages serving Group I and H Occupancies shall be elevated to a height of not less than twenty-four inches (24") in height."

(d) Section 5107 (b) shall be amended to read as follows:

"Water heaters installed in garages serving a Group I and H Occupancies shall be elevated to a height of not less than twenty-four inches (24") and shall be adequately guarded against mechanical injury and from coming in conflict with combustible material."

(Ord. No. 511, § 3; Ord. No. 558, § 1; Ord. No. 570, § 1.)

Article II. Electrical Code.

Sec. 6.2. Uniform Electrical Code--Adoption by reference;⁴
creation of office of chief electrical inspector;
board of arbitration.

The city does hereby adopt all the provisions of the Uniform Electrical Code (1962 Edition) subject to the amendments hereinafter set forth, and such code, as so amended, is hereby adopted as an ordinance of the city creating the office of chief electrical inspector providing for the granting of permits for and the regulation of the installation or alteration of electrical wiring, devices, appliances and equipment and for inspections of all new electrical installations and reinspection of all electrical installations in the city, providing for a board of arbitration, and repealing all ordinances and parts of ordinances in conflict therewith, as such provisions, rules and regulations are set forth in such printed code, as amended. Not less than three copies of such code and amendments thereto have been and now are on file in the office of the clerk of the city for use and examination by

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the public to which the Uniform Electrical Code, as herein amended, reference is hereby made for further particulars. (Ord. No. 513, § 1.)

4. For state law as to adoption by reference, see Gov. C., §§ 50022.1 to 50022.8.

Sec. 6.3. Same--Amendments.

The following amendments are hereby made to the Uniform Electrical Code adopted by reference by section 6.2 of this Code:

- A. Section 3 is amended to read as follows:

"SECTION 3. FEES FOR PERMITS AND INSPECTION.

"Any person desiring an electrical permit shall, at the time of filing any application therefor, pay a fee as required in this section:

"(a) For issuing permit and inspection up to and including \$10,000.00 building valuation, each \$ 4.00

For every \$1,000.00 valuation in excess of \$10,000.00 up to \$25,000.00 valuation or fraction thereof, \$.40 per thousand. From \$25,001.00 to \$50,000.00 valuation or fraction thereof, \$.30 per thousand. From \$50,001.00 up to \$75,000.00 valuation or fraction thereof, \$.20 per thousand. In excess of \$75,000.00 building valuation or fraction thereof, \$.15 per thousand.

"(b) For issuing permit and inspection for electrical signs and outline lighting, each \$ 2.50

"(c) For issuing miscellaneous permits and inspection, each \$ 2.00
A fee of \$ 10.00
shall be paid for each annual maintenance electrician permit at the time when such permit is issued and no other fee shall be chargeable for any work installed or altered under such a permit."

B. Section 6 is amended to read as follows:

"SECTION 6. GENERAL REQUIREMENTS.

"Standards for Installation and Materials:

"The National Electrical Code (1962 Edition) as approved by the American Standards Association is hereby adopted by reference as the National Electrical Code referred to in subsections B. and C. above. Provided that Section 230-17 of said National Electrical Code (1962 Edition) is amended to read as follows:

"Rating of Service Switch:

"(a) Meter Socket. Meter socket or meter housing shall be as approved by serving agency for conductors of 100 AMP conductivity.

"(b) Distribution Panels. Single family dwellings of 900 square feet or over in area shall be provided with a metal enclosure with provisions for two fifty ampere two pole and eight single pole branch circuit breakers.

"(c) All electrical signs and outline lighting hereafter installed must bear Underwriters Laboratory Incorporated seal of approval.

"(d) Laundry appliances hereafter installed shall be provided with one or more branch circuits of no less than 20 AMPS and such circuits shall have no other outlets.

"(e) Additions to wiring details. All stores, office buildings, factory buildings, shops, warehouses and all other commercial buildings, including motels must be wired in a Metallic Raceway System. Apartment houses are excepted herefrom."

C. Section 9 is amended to read as follows:

"SECTION 9. INTERPRETATION.

"(a) The language used in this Code and in the National Electrical Code, which is made a part of this Code by reference, is intended to convey the common and accepted meaning familiar to the Electrical Industry.

"(b) An Arbitration Board shall be created and composed of the following members: The Mayor, one Licensed Electrical Contractor, one Architect or Builder of at least five years experience. The members of the Board shall be appointed by the Mayor, subject to the approval of the City Council, and shall receive no compensation for any meetings they may attend or any work they may do. Any member or members of the Board may be removed from office by the City Council of the City of Vacaville. The City Council shall in all vacancies or removals on the Board replace by appointment only members who can qualify as to the office they are appointed to.

"THE DUTIES OF THE BOARD:

"The Board shall have power to recommend all changes in the electrical ordinance to the City Council for approval and authorization.

Sec. 6.4 Buildings and Building Regulations Sec. 6.5

"To render all decisions that will be considered final in all disagreements in the electrical inspection department.

"To receive directly all appeals from disagreements between electrical inspection department and whosoever is concerned.

"To request the Mayor and the City Council to issue subpoenas for the appearance of whosoever is concerned in all disagreements between the electrical inspection department and such subpoenas to be considered if issued and ignored a violation of the electrical ordinance and punishable as such.

"To have access to all records of the electrical inspection department." (Ord. No. 513, § 2.)

Article III. Plumbing Code.⁵

5. For state law as to authority of city to regulate plumbing, see H. & S. C., § 17951.

Sec. 6.4. Uniform Plumbing Code--Adoption by reference.⁶

The city does hereby adopt all the provisions of the Uniform Plumbing Code (1961 Edition) subject to the amendments hereinafter set forth, and such code as so amended, is hereby adopted as an ordinance of the city providing for the protection of the public health and safety, requiring a permit for the installation or alteration of plumbing and drainage systems, creating an administrative office and defining certain terms, establishing minimum regulations for the installation, alteration or repair of plumbing and drainage systems and the inspection thereof, providing penalties for its violation and repealing conflicting ordinances. Rules and regulations are set forth in such printed code as amended. Not less than three copies of such code and amendments thereto have been and now are on file in the office of the clerk of the city for use and examination by the public, to which such Uniform Plumbing Code as herein amended reference is hereby made for further particulars. (Ord. No. 512, § 1.)

6. For state law as to adoption by reference, see Gov. C. A., §§ 50022.1 to 50022.8.

Sec. 6.5. Same--Amendments.

The following amendments are hereby made to the Uniform Plumbing Code adopted by section 6.4:

"PART ONE - Sec. 1.1. - Administrative Authority & Assistant:

"To provide for the administration and enforcement of this Code, the Office of Plumbing Official is hereby created, together with such assistants as may be necessary to properly discharge the duties of his office."

"Sec. 1.2. - Assistants" - Omitted.

"Sec. 1.3. - Department Having Jurisdiction." Omitted.

Unless otherwise provided by law, the office of plumbing official is hereby made a part of the building department.

"Sec. 1.4. - Duties of the Administrative Authority".

"(10)" Omitted.

"Sec. 1.7. - Violations and Penalties: Any person, firm or corporation violating any of the provisions of this Code shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punishable by a fine of not to exceed \$300.00 or by imprisonment in the City or County Jail for not to exceed 3 months, or by both such fine and imprisonment. Each separate day or any portion thereof during which any violation of this Code occurs or continues shall be deemed to constitute a separate offense, and upon conviction thereof shall be punishable as herein provided.

"The issuance or granting of a permit or approval of plans and specifications shall not be deemed or construed to be a permit for, or an approval of, any violation of any of the provisions of this Code. No permit presuming to give authority to violate or cancel the provisions of this Code shall be valid, except insofar as the work or use which it authorizes is lawful.

"The issuance of a permit upon plans and specifications shall not prevent the Administrative Authority from thereafter requiring the correction of errors in said plans and specifications or from preventing construction operations being carried on thereunder when in violation of this Code or of any other ordinance or from revoking any Certificate of approval when issued in error.

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"Every permit issued by the Administrative Authority under the provisions of this Code shall expire by limitation and become null and void, if the work authorized by such permit is not commenced within 60 days from the date of such permit, or if the work authorized by such permit is suspended or abandoned at any time after the work is commenced for a period of 60 days. Before such work can be recommenced a new permit shall be first obtained so to do."

"Sec. 1.10. - To Whom Permits May be Issued:

"(a) No permit shall be issued to any person to do, or cause to be done any plumbing or drainage work regulated by this Code except to a person holding a valid, unexpired and unrevoked Plumbing Contractor's License issued by the State of California Contractor's Licensing Board, except when and as otherwise hereinafter provided in this Section.

"(b)" - Omitted.

PART TWO: - Qualifications of Plumbers."

"Sec. 2.1. - Definition of Plumbers:" - Omitted.

"Sec. 2.2. - General Provisions:" - Omitted.

"Sec. 2.3. - Application for Certificate of Qualification or Registration:" - Omitted.

"Sec. 2.4. - Appointment of Board of Examiners:" - Omitted.

"Sec. 2.5. - Duties of Board of Examiners:" - Omitted.

"Sec. 2.6. - Application Fee:" - Omitted.

"Sec. 2.7. - Issuance of Certificate of Qualification or Registration:" - Omitted.

"Sec. 2.8. - Re-Examinations:" - Omitted.

"Sec. 2.9. - Expiration of Certificates of Qualification or Registration:" - Omitted.

"Sec. 2.10. - Fees for Renewal of Certificates of Qualification or Registration:" - Omitted.

"Sec. 2.11. - Revocation of Certificates of Qualification or Registration:" - Omitted.

"Sec. 2.12. - Business License Required:

"(a) Before any person, firm, partnership or corporation shall carry on, or engage in the business of Plumbing, he or it shall first procure a City Business License and pay to the Department having jurisdiction, the license fee imposed on such business.

"A violation of this section shall be grounds for the revocation of such person's business license by the Department having jurisdiction in addition to other penalties provided for by this Code."

"CHAPTER TWO:

"Quality and Weights of Materials

"Alternate Materials

"Alternate Methods of Construction

"Sec. 203 - Use of Copper Tubing:

"(f) Water supply service from the water meter to the hot water tank shall be 3/4" copper tubing of a weight not less than type L." (Ord. No. 512, § 2.)

Article III-A. Heating and Comfort Cooling Code.

Sec. 6.5-1. Adoption by reference.

A certain document, three copies of which are on file in the office of the city clerk of the city, being marked and designated as "Uniform Heating and Comfort Cooling Code, 1964 Edition, published in 1964 by Western Plumbing Officials Association" be and the same is hereby adopted as the Heating and Comfort Cooling Code of the city for prescribing minimum standards for the use, design and installation of heating and comfort cooling equipment; requiring a permit and inspection for the installation, alteration and replacement of such equipment; providing for the administration and enforcement of such requirements and providing penalties for violation thereof; and each and all of the regulations, provisions, penalties, conditions and terms of such "Uniform Heating and Comfort Cooling Code, 1964 Edition, Published in 1964 by Western Plumbing Officials Association" on file in the office of the city clerk and hereby referred to, adopted and made a part hereof as if fully set out in this article. (Ord. No. 562, § 1.)

Article IV. Construction of Sidewalks, Curbs and Gutters as Prerequisite to Issuance of Building Permit.

Sec. 6.6. "Unimproved property" defined.

The term "unimproved property" as used in this article is defined as that property upon which, at the time application for a building permit is made, no structure or improvement exists for the construction of which a building permit would be required. (Ord. No. 574, § 1.)

Sec. 6.7. Authority of city engineer.

The city engineer may require as a prerequisite to the issuance of a building permit for the construction of any structure or improvement upon unimproved property within the city, where such a permit is required, and where no public sidewalk, curb, gutter and pavement exists, the construction of a public sidewalk, curb, gutter and pavement across such property as a part of the construction of such structure or improvement. (Ord. No. 574, § 1.)

Sec. 6.8. When required.

Requirement by the city engineer of the construction of a public sidewalk, curb, gutter and pavement as set forth in this article, shall be limited to those cases where such construction is upon unimproved property abutting upon a public street or way or other area open to the public for pedestrian or vehicular traffic, and where the city engineer shall furnish an official grade to which the public sidewalks, curb, gutter and pavement shall be constructed. (Ord. No. 574, § 1.)

Sec. 6.9. Compliance with city specifications.

The construction of such public sidewalk, curb, gutter and pavement shall be in accordance with the specifications thereof of the city. (Ord. No. 574, § 1.)

Sec. 6.10. Endorsement on building permit.

In the event the construction of a public sidewalk, curb, gutter and pavement is required as a prerequisite to the issuance of a building permit, an endorsement to that effect shall be made upon each such building permit at the time it is issued. (Ord. No. 574, § 1.)

Sec. 6.11 Buildings and Building Regulations Sec. 6.15

Sec. 6.11. Appeal from decision of city engineer.

Within ten days of a decision by the city engineer to require the construction of public sidewalks, curbs, gutters and pavement by an applicant under the provisions of this article, such decision may be appealed to the city council which shall **render** a decision on such application. (Ord. No. 574, § 1.)

Sec. 6.12. Completion prerequisite to occupation, use or connection of utilities.

No structure, for which a building permit is required, shall be occupied or otherwise used, nor utility services supplied thereto, until, when required by the city engineer under the provisions of this article, such public sidewalks, curbs, gutters and pavement have been installed and approved by the city engineer. (Ord. No. 574, § 1.)

Sec. 6.13. Completion or deposit of estimated cost in lieu thereof.

The building inspector shall deny final approval and acceptance, and shall refuse to allow final public utility connections, to any such building or dwelling unless such public sidewalks, curbs, gutters and pavement as may have been required hereunder exist, are constructed or unless a sum of money to guarantee their construction is deposited with the city, in an amount equal to the estimated cost of the construction of such required public sidewalks, curbs, gutters and pavement, as determined by the city engineer. (Ord. No. 574, § 1.)

Sec. 6.14. Disposition of deposit.

Any sums of money deposited with the city pursuant to this article for the purpose set forth in section 6.13 hereof shall be expended by the city for, and only for, the construction of such required public sidewalks, curbs, gutters and pavement **across** the property for the benefit of which same was deposited; and on the completion of such construction, any unexpended portion thereof shall be refunded to the depositor. (Ord. No. 574, § 1.)

Article V. Fire Zones.

Sec. 6.15. Fire Zone No. 1.

There shall be no Fire Zone No. 1, and only the provisions of Part IV, Chapter 16, of the Uniform Building Code, 1958 Edition, published in 1958 by the Pacific Coast Building

Officials Conference as adopted by this chapter relating to Fire Zones No. 2 and No. 3 shall apply to the fire districts hereby established excepting that in Fire Zone No. 2A in addition to the above provisions relating to Fire Zone No. 2, all exterior walls of structures located within 20 feet of a property line shall be constructed of two hour incombustible material throughout. (Ord. No. 463, § 1.)

Sec. 6.16. Fire Zone No. 2.

The boundaries of Fire Zone No. 2 are as follows: Such boundaries are identical to the boundaries of the area zoned neighborhood commercial, highway commercial, and commercial service as same are shown on Zoning Map of the city adopted by Ordinance No. 458, which such map is now on file in the office of the city clerk of the city. (Ord. No. 463, § 1.)

Sec. 6.17. Fire Zone No. 2A.

The boundaries of Fire Zone No. 2A are as follows: Such boundaries are identical to the boundaries of the area zoned central commercial within the city, as same are shown on Zoning Map of the city adopted by Ordinance No. 458, which such map is now on file in the office of the city clerk of the city. (Ord. No. 463, § 1.)

Sec. 6.18. Fire Zone No. 3.

The boundaries of Fire Zone No. 3 are as follows: All other territory within the city limits of the city outside of Fire Zones No. 2 and No. 2A. (Ord. No. 463, § 1.)

CHAPTER 7.

CIGARETTE VENDING MACHINES, JUKE BOXES AND MECHANICAL AMUSEMENT DEVICES.⁷

7. For state law as to use of vending machines in connection with fair trade practices, see B. & P. C., § 16903. As to use of slugs in vending machines, see Pen. C., § 640a.

Article I. In General.

- Sec. 7.1. Definitions.
7.2. Provisions of chapter not authorization of gambling devices.
7.3. Seizure and destruction of machines used as gambling devices.
7.4. Operation by persons under eighteen.
7.5. Hours of operation for juke boxes.

Article II. License.

- Sec. 7.6. Required.

Sec. 7.1 Cigarette Vending Machines, Juke Boxes and Mechanical Amusement Devices Sec. 7.1

- Sec. 7.7. Separate license required for each device.
- 7.8. Application--Form; information to be shown.
- 7.9. Same--Requirements to be met by applicant.
- 7.10. Same--Rendered in duplicate; investigations by police chief and electrical inspector.
- 7.11. Same--Issuance.
- 7.12. Fees; expiration.
- 7.13. Display.
- 7.14. Transfer.
- 7.15. Revocation.

Article I. In General.

Sec. 7.1. Definitions.

The following words and phrases, when used in this chapter, shall for the purposes of this chapter have the meanings respectively ascribed to them in this section:

Cigarette vending machines. The term "cigarette vending machine" shall mean any automatic vending machine used for the sale of cigarettes and matches, and controlled by the insertion of a coin or coins. It shall not include machines or devices used solely for the vending of service, food or confections.

Juke box. The term "juke box" shall mean any music vending machine, contrivance or device which, upon the insertion of a coin, slug, token, plate, disc or key into any slot, crevice or other opening, or by the payment of any price, operates or may be operated, for the emission of songs, music or similar amusement.

Mechanical amusement device. The term "mechanical

Sec. 7.2 Cigarette Vending Machines, Juke Boxes, Sec. 7.4
and Mechanical Amusement Devices

amusement device" shall mean any machine, which, upon the insertion of a coin, slug, token, plate or disc, may be operated by the public generally for use in a game, entertainment or amusement, whether or not registering a score. It shall include such devices as marble machines, pinball machines, skill ball, mechanical grab machines and all games, operations or transactions similar thereto under whatever name they may be indicated. (Ord. No. 416, § 1.)

Sec. 7.2. Provisions of chapter not authorization of
gambling⁸ devices.

Nothing in this chapter shall in any way be construed to authorize, license or permit any gambling devices whatsoever, or any mechanism that has been judicially determined to be a gambling device, or in any way contrary to law, or that may be contrary to any future laws of the state. (Ord. No. 416, § 2.)

8. As to gambling generally, see
§ 14.8 of this Code.

Sec. 7.3. Seizure and destruction of machines used as
gambling devices.

If the chief of police shall have reason to believe any mechanical amusement device is used as a gambling device, such machine may be seized by the police and impounded, and if upon trial of the exhibitor, for allowing it to be used as a gambling device, the exhibitor be found guilty, such machine shall be destroyed by the police. (Ord. No. 416, § 10.)

Sec. 7.4. Operation by persons under eighteen.

No person holding a license under this chapter shall permit persons under eighteen years of age to play or

Sec. 7.5 Cigarette Vending Machines, Juke Boxes and Mechanical Amusement Devices Sec. 7.7

operate any cigarette vending machine or mechanical amusement device as defined in section 7.1 of this Code. (Ord. No. 416, § 8.)

Sec. 7.5. Hours of operation for juke boxes.

No person holding a license under this chapter shall permit the playing of juke boxes, as defined in section 7.1 of this Code between the hours of 1:00 A.M. and 6:00 A.M. of any day. (Ord. No. 416, § 8.)

Article II. License.⁹

9. As to licenses generally, see ch. 12 of this Code.

Sec. 7.6. Required.

Any person displaying for public patronage or keeping for operation any cigarette vending machine, juke box or mechanical amusement device, as defined by section 7.1 of this Code shall be required to obtain a license from the city, upon payment of the license fee required by section 7.12 of this Code. (Ord. No. 416, § 3.)

Sec. 7.7. Separate license required for each device.

Not more than one machine referred to in this chapter shall be operated under one license and the applicant or licensee shall be required to secure a license for each and every machine displayed or operated by him. (Ord. No. 416, § 7.)

Sec. 7.8 Cigarette Vending Machines, Juke Boxes Sec. 7.10
and Mechanical Amusement Devices

Sec. 7.8. Application--Form; information to be shown.

The application for the license required by section 7.6 of this Code shall be made to the city tax collector upon a form to be supplied by the city tax collector for that purpose.

The application for such license shall contain the following information:

(a) Name and address of the applicant, age, date and place of birth.

(b) Prior convictions of applicant, if any.

(c) Place where machine or device is to be displayed or operated and the business conducted at that place.

(d) Description of machine to be covered by the license, mechanical features, name of manufacture and serial number. (Ord. No. 416, §§ 3, 4.)

Sec. 7.9. Same--Requirements to be met by applicant.

No license as required by section 7.6 of this Code shall be issued to any applicant unless he shall be over twenty-one years of age and a citizen of the United States. (Ord. No. 416, § 4.)

Sec. 7.10. Same--Rendered in duplicate; investigations
by police chief and electrical inspector.

The application for the license required by section 7.6 of this Code shall be made out in duplicate, one copy being referred to the chief of police and the other to the city electrical inspector:

Sec. 7.11 Cigarette Vending Machines, Juke Boxes Sec. 7.12
and Mechanical Amusement Devices

(a) Investigation by chief of police. The chief of police shall investigate the location wherein it is proposed to operate such machine, ascertain if the applicant is a person of good moral character, and either approve or disapprove the application.

(b) Inspection by electrical inspector. The electrical inspector shall inspect all wiring and connections to the machine, determine if the same complies with the Electrical Code of the city, and shall either approve or disapprove the application. (Ord. No. 416, § 5.)

Sec. 7.11. Same--Issuance.

No license as required by section 7.6 of this Code shall be issued to any applicant unless approved by the chief of police and the electrical inspector. (Ord. No. 416, § 5.)

Sec. 7.12. Fees; expiration.

Every applicant, before being granted a license shall pay the following quarterly license fee for the privilege of operating or maintaining for operation each cigarette vending machine, juke box or mechanical amusement device as defined in section 7.1 of this Code:

Cigarette vending machines.....	\$1.50 per machine.
Juke boxes.....	\$10.00 per machine.
Mechanical amusement devices.....	\$30.00 per machine.

Each license shall expire one year from the date of issuance. (Ord. No. 416, § 6; Ord. No. 420, § 1.)

Sec. 7.13 Cigarette Vending Machines, Juke Boxes Sec. 7.15
and Mechanical Amusement Devices

Sec. 7.13. Display.

The license required by this chapter shall be posted permanently and conspicuously at the location of the machine in the premises wherein the device is to be operated or maintained to be operated. (Ord. No. 416, § 7.)

Sec. 7.14. Transfer.

The license required by section 7.6 of this Code may be transferred from one machine or device to another similar machine upon application to the city tax collector to such effect and the giving of a description and the serial number of the new machine or device.

If the licensee shall move his place of business to another location within the city, the license may be transferred to such new location upon application to the city tax collector, giving the street and number of the new location. The new location shall be approved by the chief of police and the city electrical inspector in the same manner as provided in section 7.10 of this Code. (Ord. No. 416, § 7.)

Sec. 7.15. Revocation.

Every license issued under the provisions of this chapter is subject to the right, which is hereby expressly reserved, to revoke the same should the licensee, directly or indirectly, permit the operation of any cigarette vending machine, juke box or mechanical amusement device contrary to the provisions of this chapter, the ordinances of the city or the laws of the state. The license may be revoked by the city council after written notice to the licensee, which notice shall specify the ordinance or law violations with which the licensee is

Sec. 7.15 Cigarette Vending Machines, Juke Boxes Sec. 7.15
and Mechanical Amusement Devices

charged, and set a date for a hearing. Ten days' notice of the hearing shall be given the licensee. At such hearing the licensee and his attorney may present and submit evidence of witnesses in his defense. After the hearing, if the licensee is found guilty of such violations, the city council shall revoke the license granted under the provisions of this chapter. (Ord. No. 416, § 9.)

CHAPTER 8.

CIVIL DEFENSE AND DISASTER.¹

1. For state law as to oath of allegiance for civil defense workers, see Gov. C. A., §§ 3100 to 3109.

- Sec. 8.1. Definitions.
- 8.2. Purposes of chapter; expenditures of funds.
- 8.3. Civil defense and disaster council--Creation; composition; officers.
- 8.4. Same--Powers and duties.
- 8.5. Director of civil defense and disaster--Office created; appointment.
- 8.6. Same--Powers and duties--Generally.
- 8.7. Same--Same--Following proclamation of disaster or state of emergency.
- 8.8. Assistant director of civil defense and disaster.
- 8.9. Civil defense and disaster organization--Composition.
- 8.10. Same--Functions and duties; establishment and designation of divisions and services; designation of officers and employees.

Sec. 8.11. Acts constituting misdemeanor.

Sec. 8.1. Definitions.

The following words and phrases, when used in this chapter, shall, for the purpose of this chapter, have the meanings respectively ascribed to them in this section:

Civil defense. The term "civil defense" shall mean the preparation for and the carrying out of all emergency functions, other than functions for which military forces are primarily responsible, to prevent, minimize and repair injury and damage resulting from disasters. It shall not include, nor does any provision of this chapter apply to any condition relating to a labor controversy.

Disaster. The term "disaster" shall mean actual or threatened enemy attack, sabotage, extraordinary fire, flood, storm, epidemic, riot, earthquake or other similar public calamity. (Ord. No. 345, § 2.)

Sec. 8.2. Purposes of chapter; expenditures of funds.

The declared purposes of this chapter are to provide for the preparation and carrying out of plans for the civil defense of persons and property within the city in the event of a disaster, and to provide for the co-ordination of the civil defense and disaster functions of the city with all other public agencies and affected private persons, corporations and organizations. Any expenditures made in connection with such civil defense and disaster activities, including mutual aid activities, shall be deemed conclusively to be for

the direct protection and benefit of the inhabitants and property of the city. (Ord. No. 345, § 1.)

Sec. 8.3. Civil defense and disaster council--Creation; composition; officers.²

The city civil defense and disaster council is hereby created and shall consist of the following:

- A. The mayor, who shall be chairman.
- B. The director of civil defense and disaster, who shall be vice-chairman.
- C. The assistant director of civil defense and disaster.
- D. Such deputy directors and chiefs of operating civil defense and disaster departments, services or divisions as are provided for by resolution pursuant to this chapter.
- E. Such representatives of civic, business, labor, veterans, professional or other organizations having an official group or organized civil defense and disaster responsibility as may be appointed by the mayor with the advice and consent of the city council. (Ord. No. 345,

§ 3.)

- 2. As to requirement that members of the police reserve shall be registered with an accredited disaster council, see § 15.16 of this Code.

Sec. 8.4. Same--Powers and duties.

It shall be the duty of the city civil defense and disaster council, and it is hereby empowered to review and recommend for adoption by the city council, civil defense and disaster and mutual aid plans and agreements and such ordinances and resolutions and rules and regulations as are necessary to implement such plans

and agreements. The civil defense and disaster council shall meet upon call of the chairman or in his absence from the city or inability to call such meeting, upon the call of the vice-chairman. (Ord. No. 345, § 4.)

Sec. 8.5. Director of civil defense and disaster--
Office created; appointment.

There is hereby created the office of director of civil defense and disaster. Such officer shall be appointed by the mayor with the advice and consent of the city council. (Ord. No. 345, § 5.)

Sec. 8.6. Same--Powers and duties--Generally.

The director of civil defense and disaster is hereby empowered:

A. To request the city council to proclaim the existence or threatened existence of a disaster and the termination thereof, if the city council is in session, or to issue such proclamation if the city council is not in session, subject to confirmation by the city council at the earliest practicable time.

B. To request the Governor to proclaim a state of extreme emergency when in the opinion of the director the resources of the area or region are inadequate to cope with the disaster.

C. To control and direct the effort of the civil defense and disaster organization of the city for the accomplishment of the purposes of this chapter.

D. To direct co-ordination and co-operation between divisions, services and staff of the civil defense and disaster organization of the city, and to resolve questions of authority and responsibility that may arise between them.

E. To represent the civil defense and disaster organization of the city in all dealings with public or private agencies pertaining to civil defense and disaster. (Ord. No. 345, § 5.)

Sec. 8.7. Same--Same--Following proclamation of disaster or state of emergency.

In the event of the proclamation of a disaster as herein provided, or the proclamation of a state of extreme emergency by the Governor or the state director of civil defense, the director of civil defense and disaster is hereby empowered:

A. To make and issue rules and regulations on matters reasonably related to the protection of life and property as affected by such disaster; provided, however, such rules and regulations must be confirmed at the earliest practicable time by the city council.

B. To obtain vital supplies, equipment and such other properties found lacking and needed for the protection of the life and property of the people, and bind the city for the fair value thereof, and if required immediately, to commandeer the same for public use.

C. To require emergency services of any city officer or employee and, in the event of the proclamation of a state of extreme emergency by the Governor in the region in which the city is located, to command the aid of as many citizens of the community as he thinks necessary in the execution of his duties; such persons shall be entitled to all privileges, benefits and immunities as are provided by state law for registered civil defense and disaster worker volunteers.

D. To requisition necessary personnel or material of any city department or agency.

E. To execute all the powers conferred upon him by this chapter or by resolution adopted pursuant thereto, all powers conferred upon him by any statute, agreement approved by the city council or by any other lawful authority, and in conformity with Section 38791 of the Government Code, to exercise complete authority over the city and to exercise all police powers vested in the city by the Constitution and general laws. (Ord. No. 345, § 6.)

Sec. 8.8. Assistant director of civil defense and disaster.

As assistant director of civil defense and disaster shall be appointed by the mayor with the advice and consent of the city council. The assistant director of civil defense and disaster, under the supervision of the director of civil defense and disaster, shall develop civil defense and disaster plans and organize the civil defense and disaster program of the city, and shall have such other duties as may be assigned by the director. (Ord. No. 345, § 3.)

Sec. 8.9. Civil defense and disaster organization--Composition.

All officers and employees of the city, together with those volunteer forces enrolled to aid them during a disaster, and all groups, organizations and persons who may by agreement or operation of law, including persons pressed into service under the provisions of section 8.7 paragraph (c) of this Code charged with duties incident to the protection of life and property in the city during such disaster, shall constitute the civil defense and disaster organization of the city. (Ord. No. 345, § 7.)

Sec. 8.10. Same--Functions and duties; establishment and designation of divisions and services; designation of officers and employees.

The functions and duties of the city civil defense and disaster organization shall be distributed among such divisions, services and special staff as the city council shall prescribe by resolution.

The city council shall concurrently with the adoption of this chapter, adopt a resolution setting forth the form of organization, establishment and designation of divisions and services, the assignment of functions, duties and powers, the designation of officers and employees. Insofar as possible, the form of organization, titles and terminology shall conform to the recommendations of the Federal government and the civil defense agency of the state. (Ord. No. 345, § 8.)

Sec. 8.11. Acts constituting misdemeanor.

It shall be a misdemeanor for any person during a disaster:

A. Wilfully to obstruct, hinder or delay any member of the civil defense and disaster organization in the enforcement of any lawful rule or regulation issued pursuant to this chapter, or in the performance of any duty imposed upon him by virtue of this chapter.

B. To do any act forbidden by any lawful rules or regulations issued pursuant to this chapter, if such act is of such a nature as to give, or be likely to give assistance to the enemy, or to imperil the lives or property of inhabitants of the city, or to prevent, hinder or delay the defense or protection thereof.

C. To wear, carry or display, without authority, any means of identification specified by the civil defense and disaster agency of the state. (Ord. No. 345, § 9.)

CHAPTER 9.

FIRE PROTECTION.³

3. As to parking vehicle or hitching animal near fire hydrant, see § 13.14 of this Code.

Article I. Fire Chief.

- Sec. 9.1. Office created; appointment; tenure.
- 9.2. Residence requirement.
- 9.3. Compensation; reimbursement for certain expenses.
- 9.4. Powers and duties.

Article II. Fire Prevention Code.

- Sec. 9.5. Adoption by reference.
- 9.6. Bureau of fire prevention; establishment; supervision; inspectors.
- 9.7. Definitions.
- 9.8. Establishment of limits of districts in which storage of flammable liquids in outside aboveground tanks is to be prohibited.
- 9.9. Establishment of limits in which bulk storage of liquefied petroleum gases is to be restricted.
- 9.10. Establishment of limits of districts in which storage of explosives and blasting agents is to be prohibited.
- 9.11. Amendments.
- 9.12. Modifications.
- 9.13. Appeals.
- 9.14. New materials, processes or occupancies which may require permits.
- 9.15. Penalties.

Article I. Fire Chief.

Sec. 9.1. Office created; appointment; tenure.

The office of fire chief of the city is hereby created and established. The fire chief shall be appointed by the administrative officer of the city subject to ratification by the city council, and shall hold office at and during the pleasure of the administrative officer and of the city council. (Ord. No. 406, § 1.)

Sec. 9.2. Residence requirement.

Residence in the city, at the time of appointment of the fire chief, shall not be required as a condition of appointment, but during his term of office, he shall be required to be a resident of the city. (Ord. No. 406, § 2.)

Sec. 9.3. Compensation; reimbursement for certain expenses.

The fire chief shall receive such compensation as the city council shall from time to time determine and fix, and such compensation shall be a proper charge against such funds of the city that the city council shall designate.

The fire chief shall be reimbursed for all sums necessarily incurred or paid by him in performance of his duties, or incurred when traveling on business pertaining to the city under the direction of the city administrator; reimbursement shall only be made, however, when a verified, itemized claim, setting forth the sums expended for which reimbursement is requested, has been presented to the city administrator, and by the city administrator approved and by the city council allowed. (Ord. No. 406, § 3.)

Sec. 9.4. Powers and duties.

(a) The fire chief shall, under administrative direction of the city administrator, plan, organize and direct the activities of the fire department in preventing and extinguishing fires and in the protection of life and property against fire.

(b) The fire chief shall be responsible for the maintenance and care of all property and equipment used by his department.

(c) The fire chief shall plan, organize, direct and co-ordinate the activities of the fire department personnel including volunteer firemen and all fire fighting and fire prevention apparatus and equipment. The fire chief shall be responsible for the enforcement of all applicable fire ordinances and codes.

(d) The fire chief shall formulate departmental rules, procedures and policies in respect to the department; shall interview and hire prospective fire department employees, subject to the approval of the city administrator; shall supervise a training program of his department and do related work as required.

(e) The fire chief shall attend meetings, conferences and conventions of fire fighting and fire prevention personnel; shall confer with agents of other governmental jurisdictions, with the Board of Fire Underwriters, with fire prevention buareaus and with the office of the state fire marshal.

(f) The fire chief shall formulate an annual budget, estimate and recommend purchases of equipment and supplies for his department.

(g) The fire chief shall devote his entire time

to the duties of his office and the interests of the city.

(h) The fire chief shall perform such other related duties and exercises and such other related powers as may be delegated to him from time to time by the city administrator or by the provisions of this Code or other ordinance or resolution of the city council. (Ord. No. 406, § 4.)

Article II. Fire Prevention Code.

Sec. 9.5. Adoption by reference.⁴

There is hereby adopted by the city council for the purpose of prescribing regulations governing conditions hazardous to life and property from fire or explosion, that certain code known as the Fire Prevention Code recommended by the National Board of Fire Underwriters, being particularly the 1960 Edition thereof and the whole thereof, save and except such portions as are hereinafter deleted, modified or amended, by section 9.11, of which code not less than three copies have been and now are filed in the office of the city clerk, and the same are hereby adopted and incorporated as fully as if set out at length herein, and from the date on which this article shall take effect, the provisions thereof shall be controlling within the limits of the city. (Ord. No. 354, § 1; Ord. No. 483.)

4. For state law as to adoption by reference, see Gov. C. A., §§ 50022.1 to 50022.8.

Sec. 9.6. Bureau of fire prevention; establishment; supervision; inspectors.

The Fire Prevention Code shall be enforced by the bureau of fire prevention in the fire department of the city which is hereby established and which shall be operated under the supervision of the chief of the fire department.

The chief of the fire department may detail such members of the fire department as inspectors as shall from time to time be necessary. (Ord. No. 483.)

Sec. 9.7. Definitions.

The following words and phrases shall have the meanings respectively ascribed to them as follows:

Chief of the bureau of fire prevention. Wherever the words "chief of the bureau of fire prevention" are used in the Fire Prevention Code, they shall be held to mean the chief of the fire department in the absence of a separately appointed chief of the bureau of fire prevention.

Corporation counsel. Wherever the term "corporation counsel" is used in the Fire Prevention Code, it shall be held to mean the attorney for the city.

Municipality. Wherever the word "municipality" is used in the Fire Prevention Code, it shall be held to mean the city. (Ord. No. 483.)

Sec. 9.8. Establishment of limits of districts in which storage of flammable liquids in outside aboveground tanks is to be prohibited.

The limits referred to in Section 16.22a of the Fire Prevention Code in which storage of flammable liquids in outside aboveground tanks is prohibited, are hereby established as follows: All areas within the city limits except those areas zoned industrial or agricultural under the City Zoning Ordinance.

The limits referred to in Section 16.51 of the Fire Prevention Code, in which new bulk plants for flammable liquids are prohibited, are hereby established as follows: All areas within the city limits except areas zoned industrial, agricultural, or highway commercial under the City Zoning Ordinance. (Ord. No. 483.)

Sec. 9.9. Establishment of limits in which bulk storage of liquefied petroleum gases is to be restricted.

The limits referred to in Section 21.6a of the Fire Prevention Code in which bulk storage of liquefied petroleum gas is restricted, are hereby established as follows: All areas within the city limits except areas zoned industrial, agricultural, or highway commercial under the City Zoning Ordinance. (Ord. No. 483.)

Sec. 9.10. Establishment of limits of districts in which storage of explosives and blasting agents is to be prohibited.

The limits referred to in Section 12.6b of the Fire Prevention Code, in which storage of explosives and blasting agents is prohibited, are hereby established as follows: All areas within the city limits. (Ord. No. 483.)

Sec. 9.11. Amendments.

The Fire Prevention Code is amended and changed in the following respects:

Section 13.2 is amended to read as follows:

"(b) Except as hereinafter provided it shall be unlawful for any person to store, to offer for sale, expose for sale, sell at retail, or use or explode any fireworks designated as 'dangerous fireworks' under the provisions of the Health and Safety Code of the state; provided, that the chief of the fire department shall have power to adopt reasonable rules and regulations for the granting of permits for supervised public displays of fireworks by the municipality, fair associations, amusement parks and other organizations. Every such display shall be handled by a competent operator approved by the chief of the police and fire departments of the municipality, and shall be of such a character, and so located, discharged or fired as in the opinion of the chief of the fire department, after proper inspection, shall not be hazardous to property or endanger any person."

Section 28.1 is amended by adding to such section the following paragraphs:

"d. It shall be unlawful for any person, firm or corporation, to kindle, light, or cause to be kindled or lighted, any fires

for the burning of rubbish, rags, papers, grass, brush, wood, refuse or any other combustible material without first securing a written seasonal permit from the fire chief. No such fires shall be burned on Monday, nor within fifteen feet of any building, fence, property line, dry grass or other inflammable materials. All such burning as mentioned in this section shall only be allowed between the hours of 6:00 A.M. and 1:00 P.M., and further, said burning shall be unlawful at any time when there is a wind blowing in the city at the rate of fifteen miles per hour or more."

"e. Under the provisions of Government Code Section 50022.2 the National Board of Fire Underwriters pamphlet number 82 is hereby adopted as a secondary code to the Fire Prevention Code, there being not less than three copies of said National Board of Fire Underwriters pamphlet number 82 covering incinerators now in the office of the clerk of the city; and the same is hereby adopted and incorporated as fully as if set out in length herein and from the date on which this article shall take effect, the provisions thereof shall be controlling within the limits of the city."

"f. The chief of the fire department is hereby empowered to invoke the existing requirements and regulations of the National Board of Fire Underwriters, Underwriters' Laboratories, Inc., Interstate Commerce Commission, United States Bureau of Standards, Industrial Accident Commission of the state, State Housing Act and other recognized authorities in any and all cases of fire hazards not specifically covered in any part of this code." (Ord. No. 483; Ord. No. 488.)

Sec. 9.12. Modifications.

The chief of the bureau of fire prevention shall have power to modify any of the provisions of the Fire Prevention Code upon application in writing by the owner or lessee, or his duly authorized agent, when there are practical difficulties in the way of carrying out the strict letter of the code; provided, that the spirit of the code shall be observed, public safety secured and substantial justice done. The particulars of such modification when granted or allowed and the decision of the chief of the bureau of fire prevention thereon shall be entered upon the records of the department and a signed copy shall be furnished the applicant. (Ord. No. 483.)

Sec. 9.13. Appeals.

Whenever the chief of the fire department shall disapprove an application or refuse to grant a permit applied for, or when

it is claimed that the provisions of the code do not apply or that the true intent and meaning of the code have been misconstrued or wrongly interpreted, the applicant may appeal from the decision of the chief of the fire department to the city council within thirty days from the date of the decision appealed. (Ord. No. 483.)

Sec. 9.14. New materials, processes or occupancies which may require permits.

The city administrator, the building inspector and the chief of the fire department shall act as a committee to determine and specify, after giving affected persons an opportunity to be heard, any new materials, processes or occupancies, which shall require permits, in addition to those now enumerated in such code. The chief of the fire department shall post such list in a conspicuous place in his office, and distribute copies thereof to interested persons. (Ord. No. 483.)

Sec. 9.15. Penalties.

(a) Any person who shall violate any of the provisions of the Fire Prevention Code adopted by section 9.5 or fail to comply therewith, or who shall violate or fail to comply with any order made thereunder, or who shall build in violation of any detailed statement of specifications or plans submitted and approved thereunder, or any certificate or permit issued thereunder, and from which no appeal has been taken, or who shall fail to comply with such an order as affirmed or modified by the chief of the bureau of fire prevention or by a court of competent jurisdiction, within the time fixed herein, shall severally for each and every such violation and noncompliance respectively, be guilty of a misdemeanor. The imposition of one penalty for any violation shall not excuse the violation or permit it to continue; and all such persons shall be required to correct or remedy such violations or defects within a reasonable time; and when not otherwise specified, each ten days that prohibited conditions are maintained shall constitute a separate offense.

(b) The application of the above penalty shall not be held to prevent the enforced removal of prohibited conditions. (Ord. No. 483.)

CHAPTER 10.

GARBAGE, RUBBISH AND REFUSE.

- Sec. 10.1. Definitions.
- 10.2. Creation of garbage department.
- 10.3. Accumulations generally.
- 10.4. Collection--Contract with city grants
exclusive right of collections and
transportation.
- 10.5. Same--Contract with private collector.
- 10.6. Same--Number of collections.
- 10.7. Same--Rates.
- 10.8. Same--Interference with collector.
- 10.9. Garbage--Burning.
- 10.10. Same--Burying.
- 10.11. Same--Receptacles.
- 10.12. Same--Authorized garbage collector to handle
all garbage collections; exceptions.
- 10.13. Rubbish--Burning.
- 10.14. Same--Receptacles.
- 10.15. Same--Disposal by resident or business house.
- 10.16. Transportation--Garbage and rubbish.
- 10.17. Same--Care of trucks.
- 10.18. Same--Emergency removal.
- 10.19. Throwing or depositing garbage, rubbish or
refuse in streets, gutters, etc.

Sec. 10.20. Enforcement of chapter.

10.21. Chapter subject to provisions of Federal government contracts.

Sec. 10.1. Definitions.

For the purposes of this chapter, the following words and phrases shall have the meanings respectively ascribed to them by this section:

Contract agents. The general term "contract agent" shall include and mean, an agent or employee of the city or any person or the agents or employees thereof with whom the city shall have duly contracted under the terms hereinafter set out in this chapter, to collect, transport through the streets, alleys or public ways of the city and dispose of garbage and rubbish produced within the limits of the city.

Garbage. The word "garbage" shall mean and include kitchen and table refuse, offal, swill and also every accumulation of animal and vegetable refuse, and other matter that attends the preparation, consumption, decay or dealing in or storage of meats, fish, fowl, birds, fruits or vegetables. It shall also include crockery, bottles, tin vessels, ashes and all refuse, save and excepting as herein defined as rubbish.

Refuse. The general term "refuse" shall mean and include all matter and materials which are rejected by owners or producers thereof as offensive or useless, and which by their presence or accumulation may injuriously affect the health, comfort or safety of the community by increasing disease or hazard by fire.

Rubbish. The term "rubbish" shall include and mean all combustible and noncombustible waste and refuse matter, excepting garbage ordinarily accumulating in and about residences, flats, buildings, apartment houses, lodging-houses, hotels, restaurants, eating houses, stores, shops, offices and other public buildings. Among other things, it shall include tree trimmings, cut in length not to exceed three feet, grass cuttings, dead plants and weeds, and leaves, but shall not include brick, mortar or other debris incident to the construction of buildings. (Ord. No. 363, § 1.)

Sec. 10.2. Creation of garbage department.

The power is hereby granted the city council to create at any time by resolution a garbage department of the city, and to collect, remove and dispose of all garbage, rubbish and refuse as a sanitary measure and as a benefit to the public health. (Ord. No. 363, § 9.)

Sec. 10.3. Accumulations generally.⁶

It shall be unlawful for any person to deposit, keep, accumulate or permit, cause or suffer any rubbish or garbage to be deposited, kept or accumulated upon any lot or parcel of land, or on any public or private place, street, lane, alley or drive, unless the same shall be kept, deposited or allowed to accumulate as provided in this chapter. (Ord. No. 363, § 2.)

6. As to accumulations of certain fly-producing conditions such as garbage, trash, litter and rags, see § 11.3 of this Code. As to abatement of certain accumulations, see § 11.4.

Sec. 10.4. Collection--Contract with city grants
exclusive right of collection and
transportation.

At such time as there is in force a contract entered into by the city with any person for the collection of garbage in the city, it shall be unlawful for any person other than the persons in the employ of the contractor having such contract to collect or transport any garbage within the city. (Ord. No. 363, § 5.)

Sec. 10.5. Same--Contract with private collector.⁷

For the collection and disposal of refuse, garbage and rubbish, a contract for a period not to exceed twenty years may be entered into by the city in accordance with and subject to the terms and conditions of this chapter.

Such contract shall provide that the contractor shall collect and dispose of the refuse, garbage and rubbish in the city in the manner in this chapter provided, and shall not charge any amounts in excess of the rates specified in this chapter. The contractor shall be required to furnish a cash surety bond to the city in the penal sum of five thousand dollars conditioned upon the faithful performance of the contract and the provisions of this chapter. Such contractor shall have the sole and exclusive right, except as in this chapter otherwise provided, to collect all refuse, garbage and rubbish in the city, and transport the same through the streets and public ways of the city. Such contract shall also require that the contractor procure for the period covered by the proposed contract, full compensation insurance in accordance with the workmen's compensation insurance and safety provisions of the Labor Code of the state. Such contract shall also require that the contractor carry public liability insurance to the extent of two hundred thousand dollars for the death or

injury of one person, two hundred thousand dollars for the death or injury of more than one person, and property damage insurance to the extent of ten thousand dollars upon each of the trucks or other vehicles used by him in carrying out the work called for in the contract. The city council, by resolution, shall have the power to provide for the inclusion in such contract of such terms as it deems necessary to protect the interests of the city.

Before such contract is entered into, sealed bids may be called for by the city council, on notice by publication in a newspaper of general circulation in the city, not less than one time, and the contract awarded to the highest responsible bidder. Each proposal or bid shall be accompanied by a certified check payable to the city in the sum of five hundred dollars which sum shall be forfeited to the city if the bidder to whom the contract is awarded shall fail or refuse to enter into the contract within fifteen days after the date of mailing notice to the successful bidder the "Notice of Award of Contract." The city council shall reserve the right to reject any and all bids, and the city council shall not be required to award such contract to the highest bidder, if, in the opinion of the city council, a lower bid presents a more satisfactory plan of handling such garbage, refuse and rubbish.

The consideration upon which the bids shall be based is as follows: (1) Based on a percentage of the gross proceeds of the entire business to be awarded under the proposed contract. (2) A flat monthly payment by the contractor to the city. The bidders shall bid on either or both of these alternate plans.

Such contract shall also provide that the contractor shall be given the use of that certain dumping ground now owned by the city; the contractor shall be completely responsible for the maintenance and administration of the dump and responsible for settlement of all claims arising based on the operation of the dump. Subject to the approval of the city council, the contractor may have the privilege and right to charge a reasonable fee for any individual using the dump for the deposit of any garbage, refuse, or rubbish of any nature, and shall have the right to regulate the hours within which the individuals may use the dump. The contractor shall, however, allow, without charge, the city to use the dump for the deposit of refuse or rubbish from the streets or other areas collected during the regular work of maintenance and street crews of the city. The dump shall be kept open by the con-

tractor every **Saturday** and/or Sunday for the convenience of persons bringing rubbish, refuse and garbage to the dump. The books and business of the contractor shall be subject to audit and checking at any reasonable time by the city, and the payments to the city by the contractor shall be due and payable at the beginning of each month, if flat monthly payment plan is accepted, and shall be payable at the end of each month if gross percentage plan is accepted. (Ord. No. 363, § 6; Ord. No. 467, § 1.)

7. For state law authorizing cities to enter into garbage and refuse disposal contracts, see H. & S. C., § 4250.

Sec. 10.6. Same--Number of collections.

There shall be at least one collection per week, except that garbage from hotels, restaurants, vegetable, meat, poultry or fish markets and fresh fish or fresh drink stands, and such other establishments designated by the city health officer, shall be collected every day except Sundays. (Ord. No. 363, § 7.)

Sec. 10.7. Same--Rates.

Any person from whom garbage, rubbish or refuse is collected under the provisions of this chapter shall pay to the garbage collector, or other persons designated by the city council to receive the same, the following fees for the service:

Single-family dwelling. One collection per week--\$1.50 per month for first can of garbage collected, and the first 75 pounds or 120 gallons of canned, boxed or bundled rubbish collected, and \$0.20 per week for each additional can of garbage and each additional 75 pounds or 120 gallons of canned, boxed or bundled rubbish collected.

Multiple-dwellings - Apartments. Each family unit residing therein shall have the same rate as a single-family dwelling.

Business houses, including hotels, restaurants, hospitals and all other business establishments:

(a) Garbage:

One collection per week -- \$1.50 per month for the first can collected, and \$0.20 per collection for each additional can collected.

More than one collection per week -- \$1.50 per month for first collection of first can, and \$0.20 for each additional collection thereof, and \$0.20 for each collection of each additional can.

(b) Rubbish:

Rubbish contained in galvanized receptacles shall be collected subject to the same rates as for garbage. Rubbish contained in enclosed bins or other suitable receptacles shall be collected at the rate of \$0.75 per cubic yard.

Provided always, that flat monthly charge for collection of garbage or rubbish may be levied based on the average monthly amount of garbage or rubbish removed from such business houses, as per agreement, between the contractor and each individual business house, the rates to be in line with rates charged for comparable service in similar cases in other cities within the county and to be subject to review by the city council.

Auto camps. Each cabin shall have the same rate as residential or flat rate by agreement of the owner and the authorized collector based on the average number of occupied cabins in each preceding month.

Trailer camps. Each trailer camp shall have the same rate as residential for individual trailers or flat rate by agreement of the owner and the authorized collector based on the average number of trailers in camp each preceding month. (Ord. No. 363, § 8; Ord. No. 414, §§ 1, 2; Ord. No. 459, § 1; Ord. No. 563, § 1.)

Sec. 10.8. Same--Interference with collector.

It shall be unlawful for any person in any manner to interfere with the collection and disposal of refuse, garbage or rubbish by any person authorized by license or contract to collect and dispose of same. (Ord. No. 363, § 15.)

Sec. 10.9. Garbage--Burning.⁸

It shall be unlawful for any person to burn or cause to be burned in the city any garbage. (Ord. No. 363, § 12.)

8. For state law as to burning
garbage, see H. & S. C.,
§§ 4300 to 4302.

Sec. 10.10. Same--Burying.

It shall be unlawful for any person to bury garbage at any place within the city. (Ord. No. 363, § 13.)

Sec. 10.11. Same--Receptables.⁹

It shall be unlawful for any person to keep, accumulate or permit to be accumulated any garbage upon any lot or parcel of land, or on any public or private lane, place, street, alley or drive, unless the same shall be in galvanized metal receptacles to be provided with close-fitting metal lids or covers and which shall be kept closed at all times, except when necessarily opened to permit garbage to be taken therefrom or deposited therein. The receptables shall also be provided with handles and each receptacle shall have a capacity of not less than fifteen gallons nor more than thirty gallons, and shall be placed so as to be readily accessible for removal and emptying the material contained therein by the duly authorized collectors. (Ord. No. 363, § 2.)

9. For state law as to garbage receptacles, see H. & S. C. A., §§ 17809, 17810.

Sec. 10.12. Same--Authorized garbage collector to handle all garbage collections; exceptions.

It shall be unlawful for any person other than the authorized garbage collectors designated by the city either as an agent, employee or contractor for such purpose to collect or convey through the streets, alleys or other public thoroughfares of the city any garbage or other matter offensive to the sight or smell, or collect or dispose of the same except as provided in section 10.4 of this Code, and provided further, that any manufacturer or processor of fruits, vegetables or other foods may be

exempted from the provisions of this chapter upon filing an application therefor to the city council and obtaining consent of the city council and thereafter complying with the terms and conditions of such consent. (Ord. No. 363, § 10.)

Sec. 10.13. Rubbish--Burning.

Rubbish may be burned subject to the fire regulations of the city, or, in the absence of same, subject to the fire regulations of the county. (Ord. No. 363, § 12.)

Sec. 10.14. Same--Receptacles.

It shall be unlawful for any person to keep, accumulate or permit to be kept or accumulated any rubbish, unless the same is kept in a galvanized metal receptacle to be provided with a close-fitting metal lid or cover which shall be kept closed at all times except when necessarily opened to permit rubbish to be taken therefrom or deposited therein. The receptacle shall also be provided with handles and each receptacle shall have a capacity of not less than fifteen gallons nor more than thirty gallons, and shall be placed so as to be readily accessible for removal and emptying the material contained therein by the duly authorized collectors; provided, that in commercial areas rubbish may be kept in an enclosed bin or other suitable receptacle. (Ord. No. 363, § 2.)

Sec. 10.15. Same--Disposal by resident or business house.

Nothing contained in this chapter shall be construed to prevent or prohibit any resident in the city or any business house in the city from taking, hauling, transporting or disposing of any rubbish created by the resident or his household, on premises by him personally occupied, or by the business house in the conduct of its

own business on premises occupied by it, provided, the same be kept, hauled and disposed of under the rules and regulations prescribed in this chapter. (Ord. No. 363, § 17.)

Sec. 10.17. Transportation--Garbage and rubbish.

No garbage or rubbish shall be removed and carried on or along the streets and alleys of the city except that the same be carried, conveyed or hauled in conveyances so constructed as to be absolutely dustproof, and so arranged as not to permit dust or other matter to sift through or fall upon the streets and alleys. The contents of such conveyances must be further protected with appropriate covers so as to prevent the same from being blown upon the streets, alleys and adjacent lands. (Ord. No. 363, § 3.)

Sec. 10.17. Same--Care of trucks.

Every truck used in the collection of garbage and rubbish shall be kept well painted, clean inside and out. (Ord. No. 363, § 4.)

Sec. 10.18. Same--Emergency removal.

Nothing in this chapter shall be deemed to prohibit the removal and hauling by an unlicensed person of materials considered by the health officer or police department to constitute a health menace of such a nature as necessary to be ordered by either of the officers to be promptly removed. (Ord. No. 363, § 14.)

Sec. 10.19. Throwing or depositing garbage, rubbish or refuse in streets, gutters, etc.

It shall be unlawful for any person in the city to throw or deposit any garbage, rubbish or refuse or to cause the same to be thrown or deposited upon any street,

public or private lane, alley, gutter, drain facilities, park, creek or any public place, or to throw or deposit the same in or upon any vacant lot or back yard or to store or keep the same, except in the manner prescribed in sections 10.3, 10.11 and 10.14 of this Code. (Ord. No. 363, §§ 2, 11.)

Sec. 10.20. Enforcement of chapter.

All health and police officers of the city are hereby specifically required to enforce the provisions of this chapter and shall have the right to inspect all premises and the right to enter all premises for the purpose of such inspection, to determine whether the provisions of this chapter are being conformed with, and any person denying or obstructing such entry shall be guilty of a misdemeanor.

The health officer shall supervise all matters in connection with garbage disposal that concerns the public health. (Ord. No. 363, § 15.)

Sec. 10.21. Chapter subject to provisions of Federal
 government contracts.

The provisions of this chapter shall be subject to changes made in any government contract entered into by the Federal government concerning garbage and rubbish disposal in and from public housing units within the city limits. (Ord. No. 363, § 18.)

CHAPTER 11.

HEALTH AND SANITATION.¹

1. For state law as to meat inspection, see Ag. C. A., §§ 301 to 320.5. For state law as to communicable diseases, establishment of quarantine, etc., see H. & S. C. A., §§ 3110 to 3125. For state law as to health regulations generally, see H. & S. C. A., §§ 500 to 504.

For authority of city health officer to designate establishments from which there shall be at least weekly garbage collections, see § 10.6 of this Code. As to authority of city health officer to order emergency removal of materials considered a health menace, see § 10.18. As to supervision of garbage, etc., removal by health officer, see § 10.20.

- Sec. 11.1. Abatement of nuisances; right of entry of health officer, etc.
- 11.2. Interference with health officer.

Sec. 11.3. Fly-producing conditions--Enumerated;
prohibited.

11.4. Same--Abatement.

Sec. 11.1. Abatement of nuisances;² right of entry of
health officer, etc.

The health officer or any of his deputies may, for the purpose of securing the public health, enter upon the premises or in the house, or on the place of any person within the city, to ascertain any nuisance that may there exist, to inspect drains, vaults, cellars, cesspools, water ditches, privies or sewers, or the yards of such premises, to examine apartments used for lodging or other purposes, to determine if they are properly constructed or to designate contagious or infectious disease, or are not properties provided with privies, water closets, or with sewer drains or cesspools, properly topped; and when satisfied that such premises or apartments are in a condition dangerous to the public health, may serve a printed or written notice upon the owner or other person in charge of such premises to remove or remedy the defects therein named. If such owner or other person in charge neglects to obey such notice, the health officer or his deputies may cause the same to be put in proper order. Any such owner, occupant or person in charge, in addition to the penalty provided by section 1.8 of this Code, shall be liable to the city for the cost of such abatement and removal of such nuisance, or remedying such construction or unhealthful condition, to be recovered in a civil action in any court of competent jurisdiction. (Ord. No. 19, § 6.)

2. For state law as to authority of city to declare nuisances, see Gov. C. A., § 38771.

Sec. 11.2. Interference with health officer.

Any person who shall hinder the health officer, or any of his deputies in the performance of any of his duties shall be guilty of a misdemeanor. (Ord. No. 19, § 7.)

Sec. 11.3. Fly-producing conditions--Enumerated; prohibited.

It shall be unlawful for any person to suffer or permit to have, upon his premises, whether owned or leased by him any one or more of the following fly-producing conditions:

1. Animal manure in any quantity, which is not securely protected from flies.

2. Privies, vaults, cesspools, pits or like places which are not securely protected from flies.

3. Garbage³ which is not securely protected from flies.

4. Trash, litter, rage or anything whatsoever in which flies may breed or multiply. (Ord. No. 194, § 1.)

3. As to accumulation of garbage, rubbish and refuse generally, see § 10.3 of this Code.

Sec. 11.4. Same--Abatement.

It shall be the duty of the chief of police or the health officer upon learning in any way whatsoever of the existence of one or more of the conditions described in section 11.3 of this Code, to notify the offender in writing to remove or abate the conditions, at the shortest reasonable time for such removal or abatement. (Ord. No. 194, § 2.)

CHAPTER 11A.

HOUSING CODE.

Sec. 11A.1. Adoption by reference; where filed.
11A.2. Amendments.

Sec. 11A.1. Adoption by reference; where filed.

The city does hereby adopt all the provisions of the Uniform Housing Code, 1961 Edition, subject to the amendments hereinafter set forth, and such code as so amended, is hereby adopted by an ordinance of this city providing minimum requirements for the protection of life, limb, health, property, safety and welfare of the general public and the owners and occupants of residential buildings, providing penalties for its violation and repealing conflicting ordinances. Rules and regulations are set forth in such printed code as amended. Not less than three copies of such code and amendments thereto now are and shall remain on file in the office of the clerk of the city for use and examination by the public, to which the Uniform Housing Code, as herein amended, reference is hereby made for further particulars. (Ord. No. 523, § 1.)

Sec. 11A.2. Amendments.

The following amendments are hereby made to the Uniform Housing Code:

Chapter 5--Section H-502(b) is hereby amended to read as follows:

"(b) - As required in the Zoning Ordinance of the City of Vacaville"

Chapter 5--Section H-502(d) is hereby amended to read as follows:

"(d) Projection into yards

"Architectural features including sills, chimneys, cornices and eaves may extend into a required side yard or a space between structures not more than 2 feet and may extend into a required front or rear yard not more than 6 feet, open, unenclosed, uncovered metal fire escapes may project into any required yard or space between buildings not more than 3 feet.

Fences, walls, hedges, walks, driveways and retaining walls may occupy any required yard or other open space, subject to the limitations prescribed in the district regulations." (Ord. No. 523, § 2.)

(d) Projections into Yards

Architectural features including sills, chimneys, cornices and eaves may extend into a required side yard or a space between structures not more than 2 feet and may extend into a required front or rear yard not more than 6 feet.

Open, unenclosed, uncovered metal fire escapes may project into any required yard or space between buildings not more than 3 feet.

Fences, walls, hedges, walks, driveways and retaining walls may occupy any required yard or other open space, subject to the limitations prescribed in the district regulations.

(Ord. No. 450, § 2.)

CHAPTER 12.

LICENSES.⁴

4. For state law as to authority of city to license for revenue and regulatory purposes, see Gov. C. A., § 37101. As to authority of city to license in exercise of police power and for purpose of regulation, see B. & P. C., § 16000. As to persons exempted from license charges, see B. & P. C., §§ 16001 to 16002. As to licensing by cities generally, see B. & P. C., §§ 16000 to 16003.

As to dog licenses generally see §§ 4.38 to 4.45 of this Code. As to kennel licenses, see § 4.46. As to bicycle licenses, see §§ 5.1 to 5.12. As to licenses for cigarette vending machines, juke boxes and mechanical amusement devices, see §§ 7.6 to 7.15.

Licenses

Article I. In General.

- Sec. 12.1. Definitions.
- 12.2. Required; compliance with regulatory provisions of chapter.
- 12.3. Prima facie evidence of engaging in business, trade or profession.
- 12.4. Exemptions to license requirements.
- 12.5. Determination of business classification.
- 12.6. Separate license required for each place of business.
- 12.7. Collection of information necessary to prepare licenses; issuance; information to be shown.
- 12.8. Effect of statements filed on collection of correct amount due.
- 12.9. Fees to constitute debt to city.
- 12.10. Payable in advance; delinquent date.
- 12.11. Penalty for delinquent licenses.
- 12.12. Extension of time for filing returns or making payments required by chapter.
- 12.13. Mistakes in license not to prejudice collection of amount due.
- 12.14. Criminal conviction not to excuse payment of fee.
- 12.15. Fees payable in lawful money of United States.
- 12.16. Proration.
- 12.17. Refund of license fees, penalties and costs.
- 12.18. Amounts of fees and periods of time specified in chapter to be adhered to.
- 12.19. Transfer.
- 12.20. Duplicate licenses.
- 12.21. Renewal.
- 12.22. Suspension; revocation; withdrawal; discontinuance.
- 12.23. Display of license in place of business.
- 12.24. Persons required to carry license.
- 12.25. Exhibition of license on renewal and on request of certain officers.

Sec. 12.26. Modification of inequalities or unjust assessments of license fees.

Article II. License Schedule.

- Sec. 12.27. Amount to be paid.
12.28. Point value fixed; computation of quarterly license rate.
12.29. License points--Classification of enumerated businesses, trades, professions or callings generally.
12.30. Same--Additional points applicable to certain businesses, trades, professions or callings.
12.31. Same--Based on front footage of business establishment.
12.32. Same--Based on number of persons employed.
12.33. Same--Based on number of hours worked per week.

Article I. In General.

Sec. 12.1. Definitions.

For the purpose of this chapter the following words and phrases shall have the meanings respectively ascribed to them in this section:

Average number of employees. Average number of employees means:

A. In the case of a quarterly license, the sum of the number of employees included in each payroll as reported to the California State Department of Employment on the date nearest the fifteenth day of each month during the previous quarter, divided by the number of payroll periods in the quarter.

B. In the case of an annual license, the sum of the number of employees included in each payroll as reported to the California State Department of Employment on the date nearest the fifteenth day of each month during the previous twelve months, divided by twelve.

Business. The word "business" means professions, trades and occupations and all and every kind of calling carried on for profit or livelihood.

Place of business. The term "place of business" means a place of business in the city regularly kept open, with someone in charge thereof, for the transaction of the particular business engaged in during the hours customary to transact such business. (Ord. No. 415, § 4.)

Sec. 12.2. Required; compliance with regulatory provisions of chapter.

It shall be unlawful for any person, whether as principal or agent, clerk or employee, either for himself, or for any other person, or for any body corporate, or as an officer of any corporation, or otherwise to commence or carry on any trade, calling, profession or occupation, in this chapter specified, in the city, without first having procured a license from the city so to do or without complying with any and all regulations of such trade, calling, profession or occupation contained in this chapter. The carrying on of any trade, calling, profession or occupation mentioned in this chapter, without first having procured a license from the city to do so, or without complying with any and all regulations of such trade, calling, profession or occupation contained in this chapter, shall constitute a separate violation of this chapter, for each and every day that such trade, calling, profession or occupation is so carried on. (Ord. No. 415, § 1.)

Sec. 12.3. Prima facie evidence of engaging in business,
trade or profession.

A sign or advertisement, kept, exhibited or published indicating that any person is engaged in a business, trade or profession for which a license is required under this chapter or for the performance of services wherein a charge is made or compensation accepted, shall be prima facie evidence that such person is so engaged therein. (Ord. No. 415, § 16.)

Sec. 12.4. Exemptions to license requirements.⁵

No license payable under this chapter shall be payable by:

(a) Any charitable institutions, organizations or associations, organized for charitable purposes and conducting or staging for charitable purposes only, any concert, exhibition, lecture or entertainment within the city where no admission is charged or where the receipts from admissions charged are used exclusively for charitable or benevolent purposes and no part thereof is used for the purpose of private gain of any individual.

(b) Any organization conducting or staging any concert, exhibition, lecture or entertainment, where the proceeds from admissions charged are used for the furtherance of education or music, within the city and where no part of the profits derived therefrom is used for the purpose of private gain of any individual.

(c) Any disabled veteran, having honorable discharge papers showing disability incurred while in service in the armed forces of the United States, shall have the right to distribute circulars and to hawk or peddle and goods, wares or merchandise, subject to the provisions of sections 14.18 and 14.19 of this Code, without the payment of any license or fee.

(d) Any blind person or any indigent who is not a resident of the city and who by reason of the infirmities of age, loss of limb or other disabling cause is unable to obtain livelihood by other means than street vending or entertaining or house-to-house selling, subject to the provisions of sections 14.18 and 14.19 of this Code. Exemption granted hereunder shall not exceed two days in any one month.

(e) Any blind person or any indigent person who is a bona fide resident of the city and who by reason of the infirmities of age, loss of limb or other disabling cause is unable to obtain livelihood by other means than street vending or entertaining or house-to-house selling, subject to the provisions of sections 14.18 and 14.19 of this Code.

No exemption under paragraphs (a), (b), (c), (d) or (e) above, shall be granted unless approval first be obtained from the chief of police.

Any person claiming an exemption pursuant to this section shall file a verified statement with the city tax collector stating the facts upon which the exemption is claimed, and any other information as the city tax collector may require.

(f) No public utility making franchise payments to the city, nor any person doing business exclusively with the city, either with or without contract, shall be subject to the provisions of this chapter. (Ord. No. 415, § 8.)

5. For state law as to persons
exempted from license charges,
see B. & P. C., §§ 16001 to 16002.

Sec. 12.5. Determination of business classification.

The determination of which business or class of

business a licensee or applicant for a license is engaged in, or about to engage in, shall be an administrative function of the city tax collector or his deputies.

In any case where a licensee or applicant for a license believes that he is placed in the wrong business, or class of business, he may apply within thirty days to the city tax collector for a change in his classification. Such application may be made before, at, or within three months after payment of the prescribed license fee. The applicant shall by affidavit and supporting testimony show such information as the city tax collector may deem necessary in order to determine the proper classification. The city tax collector may conduct his own investigation and shall have the administrative duty of determining the proper classification. (Ord. No. 415, § 23.)

Sec. 12.6. Separate license required for each place of business.

A separate license must be obtained for each branch established or separate place of business in which the trade, calling, profession or occupation is carried on. (Ord. No. 415, § 6.)

Sec. 12.7. Collection of information necessary to prepare licenses; issuance; information to be shown.

It shall be the duty of the city tax collector to obtain from each applicant on forms prepared for such purpose sufficient information for the calculation of points under sections 12.29 to 12.33 of this Code, to prepare and issue a license under this chapter, for every person liable to pay a license hereunder, and to state in each license the amount thereof, the period of time covered thereby, the name of the person to whom issued, the trade, calling, profession or occupation licensed, the number of the section of this Code under which such license is issued, and the location or place of business where such trade, calling or profession or occupation is to be carried on. (Ord. No. 415, § 5.)

Sec. 12.8. Effect of statements filed on collection of correct amount due.

No statement or affidavit filed shall be conclusive upon the city or upon any officer thereof as to the matters therein set forth, and the same shall not prejudice the right of the city to recover any amount that may be ascertained to be due from such person in addition to the amount shown by such statement to be due in case such statement should be found to be incorrect. (Ord. No. 415, § 12.)

Sec. 12.9. Fees to constitute debt to city.

The amount of any license imposed by this chapter shall be deemed a debt to the city and any person carrying on any trade, calling, profession or occupation mentioned in this chapter without having a license from the city so to do, shall be liable to an action in the name of the city in any court of competent jurisdiction, for the amount of license by this chapter imposed on such trade, calling, profession or occupation. (Ord. No. 415, § 2.)

Sec. 12.10. Payable in advance; delinquent date.

All licenses due under this chapter shall be payable in advance, as follows:

Due on the first day of January, April, July and October. Delinquent at 5:00 P. M. on the fifteenth day of the first month in which the license is due; provided, that at the discretion of the city tax collector, licenses may be issued on an annual basis. (Ord. No. 415, § 7.)

Sec. 12.11. Penalty for delinquent licenses.

To all delinquent licenses there shall be added a penalty of ten per cent of the amount of the fee due for the period. (Ord. No. 415, § 7.)

Sec. 12.12. Extension of time for filing returns or
making payments required by chapter.

The city tax collector for good cause may extend for not more than thirty days the time for making any return or paying any sum required to be paid under this chapter. The extension may be granted at any time, provided a written request therefor is filed with the city tax collector prior to the delinquency date. (Ord. No. 415, § 7.)

Sec. 12.13. Mistakes in license not to prejudice col-
lection of amount due.

In no case shall any mistake made by the city in stating the amount of a license prevent or prejudice the collection by the city of what shall be actually due from any one carrying on a trade calling, profession or occupation subject to a license under this chapter. (Ord. No. 415, § 5.)

Sec. 12.14. Criminal conviction not to excuse payment of
fee.

The conviction and punishment of any person for transacting any trade, calling, profession or occupation without a license shall not excuse or exempt such person from the payment of any license due or unpaid at the time of such conviction, and nothing herein shall prevent a criminal prosecution for any violation of the provisions of this chapter. (Ord. No. 415, § 3.)

Sec. 12.15. Fees payable in lawful money of United States.

All licenses shall be paid in advance in lawful money of the United States of America at the office of the city tax collector. (Ord. No. 415, § 6.)

Sec. 12.16. Proration.

No proration of any license due under this chapter

shall be made for any portion of the period for which a license is payable except that in the case of a first license the fee may be prorated for the number of months remaining in the quarter at the date of application for license except as otherwise provided herein. For the purpose of proration a fractional part of a month shall be considered as a full month. (Ord. No. 415, § 7.)

Sec. 12.17. Refund of license fees; penalties and costs.

License fees, penalties and costs collected or received by the city may be refunded as herein provided and not otherwise if a signed and verified claim therefor is filed with the city administrator within six months after the date of payment. Such refund may be made only under the following conditions:

(a) Where a refund is specifically authorized by the provision of law requiring payment of the license, permit or application fee.

(b) Where the money is paid to secure a license or permit not required by law.

(c) Where the amount paid was in excess of the amount required by law.

(d) Where the money paid was not required by law.

(e) Where the applicant for any license or permit has not, at any time after the commencement of the period or term during which the requested license or permit would have been effective, commenced or engaged in the business or occupation, or performed any act, for which the license or permit was required.

(f) Where the money paid was not required by law, or was erroneously or illegally collected or received by

the city through mistake, inadvertence or error of law or of fact, and whether paid or charged under color of any provision of this chapter or otherwise.

If the refund is for fifty dollars or more, it can be made only by the city council. If it is for less than fifty dollars, it may be made by the city administrator after approval in writing by the city attorney. The city administrator shall in writing each month report to the city council the amounts of such refunds together with the names of the recipients and the reasons therefor.

This section is remedial in purpose; its terms and requirements shall not be deemed to limit or qualify the lawful right of any person to bring or maintain any action or proceeding based upon the general law of the state for any remedy provided by the law.

Before any refund may be made the license or permit shall be returned to the city administrator, if available. (Ord. No. 415, § 26.)

Sec. 12.18. Amounts of fees and periods of time specified in chapter to be adhered to.

No greater or less amount of money shall be charged or received for any license than is provided in this chapter and no license shall be sold or issued for any period of time other than is provided in this chapter. (Ord. No. 415, § 11.)

Sec. 12.19. Transfer.

No license granted or issued under any provision of this chapter shall be in any manner transferred or assigned or authorize any person, other than is therein mentioned or named, to do business without the written authorization of the city tax collector endorsed thereon.

At the time any such license is assigned or transferred the person applying for such transfer shall pay to the city tax collector a fee of one dollar for each such transfer or assignment. (Ord. No. 415, § 5.)

Sec. 12.20. Duplicate licenses.

The city tax collector shall make a charge of one dollar for each duplicate license issued to replace any license issued under the provisions of this chapter which has been lost or destroyed. (Ord. No. 416, § 5.)

Sec. 12.21. Renewal.

It shall not be necessary for any licensee under this chapter to renew his application upon the expiration of the quarter for which the license was issued so long as the point total remains unchanged, but the city tax collector shall notify such holder by mail of the date upon which such renewal shall be due and of the amount required therefor. (Ord. No. 415, § 7.)

Sec. 12.22. Suspension; revocation; withdrawal; discontinuance.

The city council may suspend, revoke, withdraw or discontinue any license granted under the provisions of this chapter whenever the city council has reason to believe that the business conducted thereunder by the licensee is a nuisance, a menace to public health, or detrimental to the peace and morals of the city, or that violations of the laws of the state or of this Code or the ordinances of the city have been committed or are being permitted to be committed upon the premises where such business is being conducted. Such suspension, revocation, withdrawal or discontinuance shall be by resolution duly made and carried and spread upon the minutes of the city council. (Ord. No. 415, § 24.)

Sec. 12.23. Display of license in place of business.

Every person having a license under the provisions of this chapter, and carrying on a trade, calling, profession or occupation at a fixed place of business, shall keep such license posted and exhibited while in force, in some conspicuous part of the place of business. (Ord. No. 415, § 9.)

Sec. 12.24. Persons required to carry license.

Every person having a license under the provisions of this chapter and not having a fixed place of business, shall carry such license with him at all times while carrying on the trade, calling, profession or occupation for which the same was granted. (Ord. No. 415, § 10.)

Sec. 12.25. Exhibition of license on renewal and on request of certain officers.

Every person having a license under the provisions of this chapter shall produce and exhibit the same when applying for a renewal thereof, and whenever requested to do so by any officer authorized to issue, inspect or collect licenses. (Ord. No. 415, § 10.)

Sec. 12.26. Modification of inequalities or unjust assessments of license fees.

In the event any inequality or unjust assessment of license tax hereunder be shown to exist and the matter be presented to the city council at any regular meeting thereof by the aggrieved party, then modification or adjustment thereof may be made by the city council, with or without the necessity of formal amendment of this chapter or any section thereof, as the city council may deem fit. (Ord. No. 415, § 29.)

Article II. License Schedule.Sec. 12.27. Amount to be paid.

The amount or rate of license fees to be paid to the city by any person engaged in or carrying on any profession, trade, calling or occupation hereinafter designated is hereby fixed and established as hereinafter in this chapter provided, and such license fee shall be paid by every person engaged in carrying on any such profession, trade, occupation or calling in the city. (Ord. No. 415, § 13.)

Sec. 12.28. Point value fixed; computation of quarterly license rate.

The unit of point value is hereby fixed at one cent, which multiplied by the total number of points applied to a specific business, trade, profession or calling as enumerated in this article, will give the quarterly license rate. (Ord. No. 415, § 15.)

Sec. 12.29. License points--Classification of enumerated businesses, trades, professions or callings generally.

The following businesses, trades, professions or callings, and the license points attributable thereto, are hereby classified as follows:

Class A, 500 points:

Architects
Attorneys
Chiropractors and osteopaths
Dental laboratories
Dentists
Doctors, medical

Engineers, professional
Loan offices or agencies
Medical laboratories
Nurses
Opticians or optometrists
Undertakers or funeral homes

Class B, 475 points:

Light & power companies
Oil exploration companies
Road contractors
Telegraph companies
Wholesale gasoline and oil distributors
Wholesale propane and butane distributors
Telephone companies

Class C, 450 points:

Blacksmiths
Cabinet makers
Carpenters
Cesspool services
Door-to-door salesmen
Electrical contractors
Electric sign establishments
Floor covering installations
Furnace cleaners and servicers
General contractors
Gunsmiths and locksmiths
House cleaners
House movers and wreckers
Insulation roofing and siding contractors
Janitor service
Junk and hides
Landscaping
Mining companies

Painting contractors
Photographers and photo shops
Plasterers
Plumbers
Printing shops
Radio and television repair shops
Refrigerator service
Secondhand stores
Sheet metal work
Sign painters
Upholstery shops
Water softeners
Water well drillers
Welding

Class D, 425 points:

Abstractors
Accountants
Advertising agencies
Appraisers
Assayers
Barbershops
Beauty shops
Bowling alleys
Cattle brokers
Dance halls
Day nurseries
Detective agencies
Dressmakers
Finance companies
Insurance adjusters
Mine brokers
Oil land dealers
Piano sales and service
Pool halls
Radio or television stations
Real estate agents
Stenographers, public

Tax service
Theatres
Tree surgeons
Veterinarians
Wrestling and boxing exhibitions

Class E, 400 points:

Appliance stores
Book shops
Drug stores
Florists and nurseries
Furniture stores
Gift shops
Grocery stores
Hardware stores
Jewelry stores
Jewelry repairs
Hobby shops
Monument dealers
Souvenir shops
Variety stores

Class F, 375 points:

Children's shops
Department stores
Dress shops
Fur shops
General dry goods stores
Haberdashers
Milliners
Saddle shops
Shoe stores
Shoe repair shops
Tailors
Fabric shops - yardage shops

Class G, 350 points:

- Amusement machine shops
- Bicycle shops
- Business machine shops
- Coin machine shops
- Fixit shops
- General repairs
- Hearing aid shops

Class H, 325 points:

- Apartments or rental houses
- Auto courts or hotels
- Boarding houses
- Hall rental agencies
- Hotels
- Parking lots
- Rooming houses
- Trailer parks

Class I, 300 points:

- Cafes
- Candy shops or confectioners
- Caterers
- Drive-in establishments
- Milk bars
- Soda fountains

Class J, 275 points:

- Bus and stage lines
- Charter busses
- Draying
- Express agencies
- Freight forwarding
- Garbage collection
- Livestock haul
- Sand and gravel
- Taxis
- Truck lines

Class K, 250 points:

- Auto body repair shop
- Automobile dealers
- Automobile parts dealers
- Automobile rental shops
- Farm implements
- Garage and automobile service
- Service stations
- Tire repair and recappers
- Trailer sales

Class L, 225 points:

- Bakeries
- Boot blacks - shoe shines
- Bottling works
- Dairies
- Delicatessens
- Dry cleaners
- Food lockers
- Ice cream manufacturers
- Laundries
- Retail oil, propane and butane distributors
- Wholesale beverage distributors
- Wholesale food distributors
- Wholesale hardware shops
- Green or dried fruit or nut brokers or shippers

Class M, 200 points:

- Bar and restaurant supplies
- Coal dealers
- Concrete block sales
- Hay, grain and feed dealers
- Lumber and building material dealers
- Music and record shops
- Oil well equipment dealers
- Sewing machine sales and service

Sporting goods
Tire dealers

Class N, 175 points:

Dance studios
Fruit peddlers
Meat markets
Telephone answering service

Class O, 100 points:

Nonresident businesses who deliver in the city at wholesale their own products in their own vehicles, additional points shall be applied in accordance with the following schedule:

Delivery Days Per Quarter	Points Per Quarter
0 - 3	0
4 - 15	400
16 - 45	800
over 45	1200

Class P, 100 points:

Nonresident businesses who perform repair or maintenance services in the city for use rather than resale for example, laundries, dry cleaners and the like, additional points shall be applied in accordance with the following schedule:

Delivery or Transportation Days per Quarter	Points Per Quarter
0 - 3	0
4 - 10	400
11 - 15	900
16 - 20	1400
over 20	1900

Class Q, 100 points:

Nonresident contract haulers who deliver products in the city, additional points shall be applied in accordance with the following schedule:

Delivery Days Per Quarter	Points Per Quarter
0 - 3	0
4 - 6	400
over 6	900

Class R, 1000 points:

Nonresident common carriers (property).

Class S, 100 points:

Nonresident retailers who deliver in the city their own products in their own vehicles, additional points shall be applied in accordance with the following schedule:

Delivery Days Per Quarter	Points Per Quarter
0 - 3	0
4 - 10	900
over 10	1400

Class T, 1000 points:

Home use permits.

Class U, 1000 points:

Manufacturing and dehydration companies.
Further points shall be applied to manufac-

turing and dehydration companies according to the average number of persons employed during the year on the following basis:

1 - 10	1250 points.
11 - 50	2500 points.
51 - 100	3750 points.
101 and over	4500 points.

Class V, 3000 points:

Carnivals, circuses and exhibitions. Further points of 1000 per day shall be applied for each day exceeding one week of operation.

Class W, 600 points:

Amusement concessions for children, including miniature train, merry-go-round, pony ride, speedway (small electric or gasoline autos), pig slides, shows, exhibits, etc., except when part of a carnival licensed hereunder.

Class X, 100 points:

Nonresident contractors. Further points shall be applied as follows:

Days in Operation per Quarter	Points per Quarter
1 - 30	900
31 - 60	1800
over 60	2500

Class Y, 8000 points:

Pawnshops.

(Ord. No. 415, §§ 17, 22; Ord. No. 564, §§ 1, 2.)

Sec. 12.30. Same--Additional points applicable to certain businesses, trades, professions or callings.

If a business, trade, profession or calling falls within one of the following classifications, additional points to those applicable under sections 12.29, 12.31 to 12.33 of this Code, shall be applied on the following basis:

Fortuneteller, astrologer, clairvoyant, medium, palmist, phrenologist, etc., 10,000 points.

Hotels and motels, per room or rental unit, 25 points.

Peddler or traveling merchant, 3,000 points.

Rooming houses, per room or rental unit, 25 points.

Trailer units, 25 points.

(Ord. No. 415, § 21.)

Sec. 12.31. Same--Based on front footage of business establishment.

In addition to the points set forth in section 12.29 of this Code, applicable to any given business, trade, profession or calling named therein, further points shall be applied according to the front footage of the business establishment proper, exclusive of storage space, on the following basis:

14 feet or less, 50 points.

15 to 24 feet, 125 points.

25 to 50 feet, 200 points.

51 to 100 feet, 500 points.

101 to 500 feet, 800 points.

No frontage - business. Minimum points for:

Motels)	
Hotels)	
Trailer Courts)	50 points.
Rooming Houses)	
Rental Houses, etc.))	
Apartments)	

(Ord. No. 415, § 18.)

Sec. 12.32. Same--Based on number of persons employed.

In addition to the points set forth in section 12.29 of this Code applicable to any given business, trade, profession or calling named therein, further points shall be applied according to the average number of persons employed, as defined in section 12.1 of this Code, during the licensing period, which shall include the proprietor, on the following basis:

1-2	200 points	8-10	1500 points
3-4	400 points	11-14	2000 points
5-7	1000 points	15 & over	2500 points

(Ord. No. 415, § 19.)

Sec. 12.33. Same--Based on number of hours worked per week.

In addition to the points set forth in section 12.29 of this Code applicable to any given business, trade profession or calling named therein, further points shall be applied according to the average number of hours per week of operation of the business, on the following basis:

54 hours or less, 200 points.
55 to 90 hours, 300 points.
91 to 125 hours, 400 points.
126 to 168 hours, 500 points.

(Ord. No. 415, § 20.)

CHAPTER 13.

MOTOR VEHICLES AND TRAFFIC.⁶

6. For state law as to lighting requirements on motor vehicles, generally, see Veh. C. A., § 24250 et seq. For state law as to unlawful riding on portions of vehicles not designed or intended for passengers, see Veh. C. A., § 21712. For state traffic laws, see Veh. C. A., § 21000 et seq. For state law as to uniformity of state traffic laws and applicability to municipalities, see Veh. C. A., § 21. As to powers of local authorities to regulate traffic, see Veh. C. A., § 21100 et seq. For state law exemption to authorized emergency vehicles, see Veh. C. A., § 21055. For state law definitions contained in Vehicle Code, see Veh. C. A., § 100 et seq. As to intoxication in motor vehicles, see § 14.9 of this Code.

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13.2. Same--Meaning of certain words and phrases.

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- Sec. 13.3. Authority and responsibility of public works director and police chief generally.
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Article I. In General.

Sec. 13.1. Definitions--Applicability of state law
definitions.⁷

Whenever any words or phrases used in this chapter are not defined herein but are now defined in the Vehicle Code of the state, such definitions are incorporated herein and shall be deemed to apply to such words and phrases used herein as though set forth herein in full. (Ord. No. 445.)

7. See Veh. C. A., § 100 et seq.

Sec. 13.2. Same--Meaning of certain words and phrases.

The following words and phrases shall have the meanings respectively ascribed to them in this section:

Alley. Any unnamed street, or any street designated as an alley in its name having thirty feet or less between property lines.

Central traffic district. All streets and portions of streets within the area, and designated as the central traffic district by resolution of the city council.

Crosswalk. That portion of a roadway ordinarily included within the prolongation or connection of the boundary lines of sidewalks at right angles, except the prolongation of any such lines from an alley across a street, and that portion of a roadway distinctly indicated for pedestrian crossing by lines or other markings on the surface.

Emergency vehicles, authorized. The following vehicles are authorized emergency vehicles: Those vehicles owned or operated as specified and defined in and by sections 120 to 215 of the Vehicle Code of the state.

Holidays. All days so designated by resolution of the city council.

Loading zone. A space adjacent to a curb, reserved for the exclusive use of vehicles during the loading or unloading of passengers or materials, and plainly marked by signs or painting the street, or side of a building.

Official parking permit. A permit so designated and issued and signed by the designated officer of the city.

Official time standard. Whenever hours are specified herein they shall mean standard or daylight saving time, whichever may be in use in the city.

Park. To stand or leave standing any vehicle, whether occupied or not, other than for the temporary purpose of, and while actually engaged in loading or unloading passengers or materials.

Parking meter district. All streets and portions of streets within the area described as the parking meter district in article IV of this chapter and amendments thereto, and designated as parking meter district.

Parkway. That portion of the street right of way other than the roadway, curb, gutter and sidewalks.

Passenger vehicle. A vehicle principally used for the transportation of persons.

Pedestrian. Any person on foot.

Permit. A document authorizing a specific action or practice. Such permits shall be issued by the city, following written application made thereto by an applicant. Such permit shall be issued only after the police chief, city administrator, or the council, as indicated herein, has authorized the collections and permits division so to do.

Police officer. Every officer of the police department of this city, or any officer authorized to direct or regulate traffic or to make arrests for violations of traffic regulations.

Safety zone. The area or space lawfully set apart within a street for the exclusive use of pedestrians and which is protected, or which is marked or indicated by vertical signs, raised markers or raised buttons, in order to make such area or space plainly visible at all times while the same is set apart as a safety zone.

Stand. To stop and occupy a space with a motionless vehicle, regardless of the occupancy of the vehicle, except to avoid conflict with other traffic, or in obedience of a traffic regulation.

Stop. Complete cessation of motion of a vehicle.

Street. A way or place, of whatever nature, publicly maintained and open to the use of the public for purposes of vehicular travel.

Through street. A street or portion thereof at the entrance to which vehicular traffic from intersecting streets is required by law to stop before entering or crossing the same, and when stop signs are erected as hereinafter provided.

Traffic. Ridden, driven or herded animals, vehicles, streetcars and other conveyances, singly or together, while using any street or alley for travel.

Traffic control device. All signs, signals, parking meters, markings, lights, barriers, pointers or other devices installed or used by a public body or official having jurisdiction, and hand or voice signals of authorized persons, for the purpose of regulating, warning or guiding traffic.

Traffic regulations. California statutes, city ordinances and resolutions and the evident intent of any official traffic control device, pertaining to traffic in the city.

Traffic signal. Any device, whether manually, electrically or mechanically operated, by which traffic is alternately directed to stop and proceed.

Vehicle. A device, in or upon or by which any person or property is or may be propelled, moved or drawn upon a street or alley, excepting a device moved by human power or used exclusively upon stationary rails or tracks. (Ord. No. 445.)

Article II. Traffic Administration.

Sec. 13.3. Authority and responsibility of public works director and police chief generally.

Subject to the administrative supervision of the city administrator, the public works director and the police chief shall have the authority and responsibility for administering and enforcing this chapter, as hereinafter provided. (Ord. No. 445.)

Sec. 13.4. Traffic division--Designation of officer as head; detailing officers for duty when deemed necessary.

The police chief shall designate an officer of his department as head of a staff division known as the traffic division. The police chief may detail other officers to duty in the traffic division whenever he deems it necessary. (Ord. No. 445.)

Sec. 13.5. Same--Duties generally.

It shall be the duty of the traffic division to:

(a) Supervise and conduct training of all police officers in traffic administration.

(b) Supervise through regular command channels, the department's enforcement of traffic laws, ordinances and regulations.

(c) Keep the police chief informed of the status of traffic administration at all times.

(d) Coordinate the police department's traffic administration activities with those of the public works department, generally, and with the traffic engineer, specifically.

(e) Supervise the recording and operate the filing and analysis of traffic accident reports, and prepare an annual traffic safety report containing conventional statistics on the subject. (Ord. No. 445.)

Sec. 13.6. Installation and maintenance of traffic control devices by public works director.

Subject to the administrative approval of the city administrator, the public works director shall install and maintain traffic control devices, and as required, remove, relocate or discontinue such devices. (Ord. No. 445.)

Sec. 13.7. Traffic engineer--Designated.

The public works director shall designate the city engineer or another qualified person as the traffic engineer. (Ord. No. 445.)

Sec. 13.8. Same--Duties and authority.

It shall be the duty and authority of the traffic engineer, in addition to his other duties, to

(a) Specify and supervise gathering, recording, analysis and use of data pertaining to the regulation of traffic and parking and to analyze traffic accident data.

(b) Coordinate concerned activities of the public works department with those of the police department's traffic division.

(c) Use modern traffic engineering methods to determine and plan the location and application of the following traffic control devices and regulations:

(1) Days and hours of operation and time-phasing of traffic signals.

(2) Designation of streets in which commercial vehicle use will be prohibited or restricted.

(3) Guide, lane and space markings.

(4) Loading zones.

(5) No-parking zones.

(6) Prohibited parking.

(7) Regulation or prohibition of parking adjacent to public buildings and on any off-street public property.

(8) Stop signs.

(9) Time limit parking restrictions.

(10) Truck routes.

(Ord. No. 445.)

Article III. Enforcement and Obedience
to Traffic Regulations.⁸

8. For state law as to required obedience to traffic laws, see Veh. C. A., § 21000 et seq.

Sec. 13.9. Duty of police chief.

It is the duty of the police chief to enforce all traffic laws of this city, and all statutes applicable to the traffic in the city. In this he shall be assisted by the following and no others:

(a) All officers of the police department, and by deputies, as directed.

(b) All officers of the fire department, who may assist police officers in directing traffic at or near fires. (Ord. No. 445.)

Sec. 13.10. Obedience to officers directing traffic.⁹

Officers of the police department are hereby authorized to direct, control, divert, and regulate all traffic by means of officers or visible or audible signals or signs, and it shall be unlawful for any person to refuse or fail to comply with any lawful order, signal or direction of a traffic or police officer, or at any regularly established school crossing to refuse or fail to comply with any order, signal or direction of any person appointed by the police chief to control traffic at school crossings, provided that such persons giving any order, signal, or direction shall at the time be wearing some insignia indicating such appointment. During emergencies, authorized officers may direct traffic without regard to existing traffic regulations, to expedite traffic or safeguard persons or property. (Ord. No. 445.)

9. For state law as to obedience to police and traffic officers, see Veh. C. A., § 2800.

Sec. 13.11. Exemptions for authorized emergency vehicles generally.¹

Regulations of this chapter pertaining to operation and parking of vehicles shall not apply to authorized emergency vehicles. Employees of every public jurisdiction shall obey traffic regulations except when operating vehicles which qualify as authorized emergency vehicles. (Ord. No. 445.)

1. For state law as to exemption of authorized vehicles, see Veh. C. A., § 21055.

Sec. 13.12. Obedience to traffic control devices.²

It shall be unlawful for any operator of a vehicle or pedestrian to fail to obey the instruction of any traffic control device. (Ord. No. 445.)

2. For state law requiring signs to be in place in order to enforce traffic laws, see Veh. C. A., § 21103. For state law as to traffic signs, signals and markings, see Veh. C. A., §§ 21350 to 21468. For requirement that signs conform to uniform standards, see Veh. C. A., § 21405.

Sec. 13.13. Duty of drivers involved in accidents.

The driver of any vehicle or animal involved in any accident resulting in damage to any property privately or publicly owned, motor vehicles included, shall report or cause to be reported such accident in writing to the police department within twenty-four hours after the accident. He shall furnish all pertinent information which the police department requests. (Ord. No. 445.)

Sec. 13.14. Additional exemptions for certain vehicles.

(a) The provisions of this chapter regulating the operation, parking and standing of vehicles shall not apply to authorized emergency vehicles operated by the police or fire department, any public ambulance, or any public utility vehicle, or any private ambulance, which public utility vehicle or private ambulance has qualified as an authorized emergency vehicle, when any vehicle mentioned in this section is operated in the manner specified in the Vehicle Code in response to an emergency call.

(b) The provisions of this chapter regulating the parking or standing of vehicles shall not apply to any vehicle of a city department or public utility while necessarily in use for construction or repair work, or any vehicle owned or operated by the United States post office department while in use for the collection, transportation or delivery of United States mail.

(c) The provisions pertaining to time limit parking shall not apply to vehicles bearing city official parking permits when such vehicles are parked in zones other than red zones.

(d) The foregoing exemption shall not, however, protect the operator of any such vehicle from the consequences of his willful disregard of the safety of others. (Ord. No. 445.)

Sec. 13.15. Removal of vehicles from streets.

Any regularly employed and salaried officer of the police department of the city may remove or cause to be removed:

(a) Any vehicle that has been parked or left standing upon a street or highway for one hundred twenty or more consecutive hours.

(b) Any unattended vehicle as set forth under sections 22650 to 22856 of the Vehicle Code of the state. (Ord. No. 445.)

Sec. 13.16. Display of unauthorized traffic control devices; willfully injuring, defacing, etc.

(a) No person shall place, maintain, or display upon, or in view of any street, any unofficial sign, signal or device which purports to be or is an imitation of, or resembles, an official traffic control device, or which attempts to direct the movement of traffic, or which hides from view any official traffic control device.

(b) No person shall place, paint, maintain or display any signs, words, lines, solid colors or other marking on the curb, gutter, sidewalk or street which purport to be or are imitations of or resemble official markings of the city, or which attempt to prohibit, induce or regulate parking or direct the movement of traffic, or hide from view any official curb markings of the city.

(c) No person shall place or maintain or display upon or in view of any street, any light of any color of such brilliance as to impair the vision of drivers upon the street nor shall any light be placed in such position as to prevent the driver of a vehicle from readily recognizing any official traffic control device.

(d) Every such prohibited traffic control device is a public nuisance, and the police chief is hereby authorized and empowered without notice to remove the same, or cause the same to be removed.

(e) It shall be unlawful for any person willfully to deface, injure, move, or interfere with any official traffic control device. (Ord. No. 445.)

Article IV. Parking Meters.

Sec. 13.17. Provisions of chapter not relief from more restrictive provisions of Vehicle Code of state.

The provisions of this chapter imposing a time limit on standing or parking of vehicles shall not release any person from the duty to observe other and more restrictive provisions of the Vehicle Code of the state or the ordinances of this city, prohibiting or limiting the standing or parking of vehicles on specified places or at specified times. (Ord. No. 445.)

Sec. 13.18. Parking meter zones--Established.

The following portions of streets are hereby established as parking meter zones:

Main Street, from Parker Street to Wilson Street;
Bernard Street, from Main Street to Kendall Street;
Dobbins Street, from Merchant Street to Kendall Street;
Merchant Street, from Main Street to Parker Street;
Davis Street, from Main Street to Catherine Street;
Parker Street, from Merchant Street to Kendall Street,
or such portions thereof where parking meters are installed.
(Ord. No. 329, § 2.)

Sec. 13.19. Streets where commercial vehicles exceeding
sixteen thousand pounds gross weight
prohibited.

No person shall operate any commercial vehicle exceeding sixteen thousand pounds gross weight at any time upon any of the streets or parts of streets described as follows:

Dobbins Street from the city limits to Main Street;

Monte Vista Avenue from Orchard Avenue to McClellan Street;

Orchard Avenue from Merchant Street to Buck Avenue; and Orchard Avenue from Monte Vista Avenue to the city limits.
(Ord. No. 539, § 2; Ord. No. 560, § 1.)

Sec. 13.20. Same--Signs to be erected.

The director of public works shall erect appropriate signs on the streets effected by section 13.19, and it is determined that such signs will best serve to give notice of section 13.19. (Ord. No. 539, § 3; Ord. No. 560, § 2.)

Sec. 13.21. Same--Exemptions.

The following vehicles are exempt from the provisions of section 13.19:

(a) Any vehicle which is subject to the provisions of article 2 (commencing at section 1031) of chapter 5 of part 1 of division 1 of the Public Utilities Code of the state;

(b) Any commercial vehicle coming from an unrestricted street having ingress and egress by direct route to and from a restricted street when necessary for the purpose of making pickups or deliveries of goods, wares and merchandise from or to any building or structure located on the restricted street or for the purpose of delivering materials to be used in the actual and bona fide repair, alteration, remodeling or construction of any building or structure upon the restricted street for which a building permit has previously been obtained;

(c) Any vehicle owned by a public utilities or a licensed contractor while necessarily in use in the construction, installation or repair of any public utilities;

(d) Any vehicle owned by a licensed contractor while necessarily in use in the construction, maintenance or repair of a public works project on which bids were opened prior to the adoption of this article unless an alternate direct route is provided. (Ord. No. 539, § 4; Ord. No. 560, § 1.)

Secs. 13.22 to 13.31. Repealed by Ordinance No. 530.

Sec. 13.32. Erasing chalking or other marking from tires when placed by police officers.

It shall be unlawful to erase chalking or other marking made by police officers from tires by any means other than to leave the parking space and drive along the street. (Ord. No. 445.)

Article V. Traffic Control.

Sec. 13.33. Determinations by council.

The city council, acting by ordinance or resolution shall determine the following:

(a) Boundaries of central traffic district and parking meter district.

(b) Designation of one-way streets.

(c) Rates for metered parking.

(d) Through streets.

(e) Truck routes.

(f) Special speed zones.
(Ord. No. 445.)

Sec. 13.34. Installation and use of temporary emergency, portable traffic control devices.

The police chief, subject to the approval of the city administrator and the provisions and requirements of the Vehicle Code of the state, shall and he is hereby empowered to install and use temporary emergency, portable traffic control devices. (Ord. No. 445.)

Sec. 13.35. Installation, removal, etc., of traffic control devices by unauthorized persons.

It is unlawful for any person, other than those designated in this chapter to install, remove, alter or impair the use or appearance of a traffic control device. (Ord. No. 445.)

Article VI. Stopping, Standing and Parking.

Sec. 13.36. Prohibited in specified places and under certain conditions.³

A person shall not stop, stand or park a vehicle;

(a) Within a parkway or sidewalk, or within a marked or unmarked pedestrian crosswalk;

(b) So as to prevent access by a vehicle to a driveway;

(c) Where an official traffic control device indicates that it is prohibited;

(d) Within fifteen feet from any fire hydrant, except when a different distance is indicated by signs or markings, and except when such vehicle is attended by a licensed

operator or chauffeur who is seated in the front seat and who can immediately move such vehicle in case of necessity;

(e) Except a licensed taxicab, in a taxicab stand;

(f) Except a passenger bus or licensed jitney in a bus stop zone;

(g) On any street, alley or parkway

(1) For the principal purpose of:

(a) Displaying such vehicle for sale,

(b) Washing, greasing or repairing such vehicle, except repairs necessitated by an emergency.

(2) Unattended, when upon any grade exceeding three per cent, without blocking the wheels of the vehicle by turning them against the curb, or by other means, and turning off the motor, setting the emergency brake and engaging the gears adversely to grade.

(h) On any off-street public property unless a traffic control device indicates that such action is permitted, and then only in accordance with directions of such traffic control device;

(i) Except as otherwise provided herein, in any red zone;

(j) In any loading zone, except for the purpose of loading or unloading passengers or materials, when signs are in place giving notice thereof;

(k) In any alley except while in the process of loading or unloading persons or materials in the alley but in no case longer than posted time limits as specified by resolution;

(l) In any limited-time parking space for a number of consecutive minutes greater than the number of minutes legally permitted;

(m) In any angle parking space so that one front wheel does not rest against the curb;

(n) In such a manner that any part thereof extends outside of or beyond the designated parking space or into any traffic lane or pedestrian crosswalk, whether marked or unmarked;

(o) In any parallel or unmarked parking space, so that either of the two wheels on the side of vehicle nearest the curb is more than eighteen inches from the curb;

(p) Of more than six thousand pounds of gross weight, or which is not self propelled, or any piece of construction equipment or any vehicle or object more than seven feet wide;

(q) More than thirty-five feet long between the hours of 10:00 A. M. and 10:00 P. M. in the central traffic district except in a rear alley when loading or unloading, on any day except Sundays and holidays without written permission of the police chief;

(r) (1) In the central traffic district, when authorized signs are in place, between the hours of 4:00 A. M. and 6:00 A. M., to permit the unobstructed use of the streets by the department of public works personnel engaged in the duties of sweeping the streets.

(2) In all areas, other than the central traffic district, parking shall be prohibited for street cleaning purposes, when authorized signs are in place giving notice thereof. (Ord. No. 445.)

3. For state law as to prohibition against parking in specified places, see Veh. C. A., § 22500.

Sec. 13.37. Parking in accordance with markings of zones.

Every vehicle parked on streets and portions of streets shall be parked in accordance with zones marked. (Ord. No. 445.)

Sec. 13.38. Parallel parking and direction vehicle to be faced when parked.

All vehicles parked on streets or portions of streets, other than the streets or portions of streets where angle parking is permitted, shall be parked parallel with the streets and shall be faced in the direction in which traffic is permitted to travel on the side of the street where parked. (Ord. No. 445.)

Sec. 13.39. Stopping when emerging from buildings, drive-ways or alleys.

The driver of a vehicle emerging from an alley, driveway or building shall stop such vehicle immediately prior to driving onto a sidewalk area extending across any alley or street. (Ord. No. 445.)

Article VII. Operation of Vehicles.Sec. 13.40. General prohibitions.

A person shall not drive a vehicle:

(a) Over a fire hose without consent of the officer in charge.

(b) Between vehicles comprising a conspicuously marked funeral procession.

(c) In any parkway or sidewalk, except that any person may skate on a sidewalk outside the central traffic district.

(d) Drawn by any animal or animals, into or within the central traffic district between the hours of 4:00 P. M. and 6:00 P. M. of any day, except as part of a parade or exhibition for which a permit has been issued.

(e) Over or across any newly-made pavement or sidewalk, or any freshly painted marking in any street or alley when a barrier or sign is in place warning against such action or when a traffic control device is in place, stating that the street or alley or any portion thereof is closed. (Ord. No. 445.)

Sec. 13.41. Vehicles prohibited in central traffic district between 10:00 A. M. and 6:00 P. M. without written permit.

A person shall not drive the following described vehicles in the central traffic district between the hours of 10:00 A. M. and 6:00 P. M. on any day without a written permit from the police chief so to do except for emergency reasons:

(a) Any freight vehicle

(1) More than eight and one-half feet wide, including load;

(2) With any part of its load extending more than twenty feet to front or rear of such vehicle;

(3) With a trailer;

(b) Any vehicle conveying refuse, rubbish, garbage or dirt.

(c) Any vehicle conveying flammable petroleum products or explosives.

(d) Any vehicle conveying building materials that have not been loaded, or that are not to be unloaded, within the central traffic district. (Ord. No. 445.)

Sec. 13.42. Permit to park for construction work; when required; business license prerequisite to issuance.

A commercial vehicle may park for construction work in a limited parking area after first obtaining a "park for construction permit" from the police chief. Such permit to be granted only after applicant presents a valid business license of the city. (Ord. No. 445.)

Sec. 13.43. Persons riding bicycles,⁴ coasters, etc., attaching to moving vehicles prohibited.

A person riding on a bicycle, motorcycle, coaster, skates, or any other similar vehicle, shall not attach the same, or himself to any other moving vehicle on any street. (Ord. No. 445.)

4. As to bicycles generally,
see ch. 5 of this Code.

Sec. 13.44. Permit for parades.

It shall be unlawful for any person, firm, corporation, association, society, or aggregation of persons, firms, corporations, associations, or societies, to parade or assemble in, along, or upon any public or private street or property without first obtaining a permit from the police chief so to do. Such permit to be approved by the city administrator. (Ord. No. 445.)

Sec. 13.45. Permit for use of sound-amplifying or loud-speaking devices or lighting equipment.

It shall be unlawful for any person or persons to operate any sound-amplifying or loud-speaking device or any lighting equipment used to attract public attention upon any public or private thoroughfare, or on privately or publicly owned property, without first obtaining a permit from the police chief. Such permit to be approved by the city administrator. (Ord. No. 445.)

Sec. 13.46. Restrictions on parking for purposes of sales, advertising, exchanges, etc.

It shall be unlawful,

(a) To place any container or device on a sidewalk, street or public right-of-way, or to stand or park any vehicle or contrivance on a sidewalk or street for the purpose of selling, offering for sale or advertising for sale any goods, wares, merchandise or services or exchanging anything including transportation or other service without obtaining a written permit so to do at the specified location. Such permit shall be issued by the city license and tax collector upon approval of the police chief.

(b) For any licensed vendor to stop in one place for more than ten minutes at the request of a bona fide purchaser, and then only if vendor's vehicle is parked at the curb. (Ord. No. 445.)

Sec. 13.47. Erection or posting temporary signs restricting operation of vehicles.

Whenever the traffic engineer shall determine that traffic congestion is likely to result from the holding of public or private assemblages, gatherings or functions, or for other causes, the traffic engineer shall have power and authority to order temporary signs to be erected or posted indicating that the operation, parking or standing of vehicles is prohibited on such streets and alleys or portions thereof, and the traffic engineer shall cause such signs to be removed promptly thereafter. (Ord. No. 445.)

Sec. 13.48. Bicycle parking zones.⁵

When the traffic engineer shall determine that the establishment of a bicycle parking zone is necessary for the regulation of traffic or to provide facilities for the temporary parking of bicycles being operated upon the public streets, or to safeguard life or property, he is hereby

authorized to set aside a space on the street not more than thirty-six feet in length for the parking of bicycles during such hours of such days as are found by him to be best suited for the accomplishment of the purposes set forth in this section. When a bicycle parking zone is so established, the traffic engineer shall cause appropriate signs to be posted thereat during such hours, giving notice that parking of other vehicles is prohibited. (Ord. No. 445.)

5. As to bicycles generally,
see ch. 5 of this Code.

Sec. 13.49. Permit for transporting heavy loads--Required.

It shall be unlawful for anyone to operate or cause to be operated over or upon any public street or alley any vehicle exceeding the provisions of sections 35000 through 35791 of the Vehicle Code of the state unless a permit shall be obtained to so move or operate such vehicle. Such permit shall be as hereinafter provided in section 13.50. (Ord. No. 445.)

Sec. 13.50. Same--Application; conditions, etc., for granting; when cash bond to be filed.

The permit mentioned in the preceding section shall be procured by making application to the police chief, and the permit shall be granted upon such conditions, provisions, and restrictions as the public works director may determine, and where the application is for the moving or operating of heavy loads, or vehicles, mechanical contrivances, such as steam shovels, ditch diggers, tractors, and vehicles of like nature, before any permit shall be granted, the police chief may demand and cause to be filed with the city tax and license collector a cash bond to secure the city against damage or injury to its streets and alleys. (Ord. No. 445.)

Sec. 13.51. Responsibility for damages and injuries to streets or alleys.

Where any damage or injury is done to any street or alley by reason of the moving or operation of any vehicle, such injury or damage shall be repaired by the person responsible for operation of such vehicle, within a reasonable time after such damage or injury has been incurred, and, upon a refusal to so repair such damage or injury, or after a lapse of a reasonable time without repair of such damage or injury, the public works director may cause such repairs to be made and deduct the amount of cost of such repair from the cash bond filed by the applicant for the permit; and no

further permit shall be granted to applicant until a further bond has been filed as determined by the public works director. It is further provided in cases where any vehicle is operated for period of long duration that one permit may be granted covering a definite period of time as the public works director may determine, provided that during the entire period in which the permit shall be in force that the applicant shall constantly keep on file the cash bond hereinbefore mentioned. The city further reserves all its rights and remedies under the laws of the state for the collection of damages against any person damaging streets, sidewalks or other public property in the city regardless of whether or not such person, firm, corporation or association was the possessor of a valid permit issued under section 13.49. (Ord. No. 445.)

Sec. 13.52. Boarding or alighting from vehicles in motion; restrictions on excessive acceleration.

It shall be unlawful for any person to board or alight from a vehicle while such vehicle is in motion.

It shall be unlawful for the operator of any vehicle to operate same on a street or alley in such manner that the motion or speed thereof is accelerated in such fashion as to leave frictional tire rubber marks on the surface of such street or alley. (Ord. No. 445; Ord. No. 452, § 1.)

Sec. 13.53. Soliciting patronage for hotels, lodginghouses, boardinghouses, etc., at certain locations restricted.

It shall be unlawful for any person, upon any street or wharf on which a passenger depot or station fronts or abuts, to solicit patronage for any hotel, apartment, lodginghouse, boardinghouse, restaurant, cafe or other place where persons are boarded or lodged for compensation, or to solicit patronage for any vehicle used for transportation of persons, goods, wares, merchandise, freight or baggage, for hire, within seventy-five feet of the main entrance to or exit from such passenger depot, station or boat landing, except that taxicabs licensed under this Code may occupy a regularly designated taxicab stand which has been located within seventy-five feet of such entrance or exit. (Ord. No. 445.)

Sec. 13.54. Riding upon, etc., coasters, roller skates, etc., on streets restricted.

It shall be unlawful for any person upon roller skates or riding in or by any means of any coaster, toy vehicle or

similar device to go upon any public street, excepting that such roller skates, coaster, toy vehicle or similar device may be operated with due caution upon the public sidewalk in areas other than central traffic district. (Ord. No. 445.)

Sec. 13.55. Dropping, spilling, etc., of loads.

It shall be unlawful for any person to drive or propel or cause or permit to be driven or propelled, in, over, along, or upon any street, alley or other public place in the city, any truck or other vehicle except railroad and interurban railway cars from which loaded materials, objects, liquid, gases or particles are dropped, spilled or sifted into a street or blown into the air. (Ord. No. 445.)

Sec. 13.56. Designation by resolution of one-way streets.

One-way streets and alleys are as designated by resolution of the city council. (Ord. No. 445.)

Sec. 13.57. Signposting and marking one-way streets and obedience to signs, etc.; truck routes.

One-way streets shall be appropriately signed and marked and thereafter it shall be unlawful to drive a vehicle in other than the direction shown on the traffic control devices.

(a) Whenever any resolution of this city designates and describes any street or portion thereof as a street, the use of which is permitted by any vehicle exceeding a maximum gross weight limit of three tons, the city traffic engineer is hereby authorized to designate such streets by appropriate signs as "truck route" for the movement of vehicles exceeding a maximum gross weight limit of three tons.

(b) When any such truck traffic routes are established and designated by appropriate signs the operator of any vehicle exceeding a maximum gross weight limit of three tons shall drive on such routes and none other, except that nothing in this section shall prohibit the operator of any vehicle exceeding a maximum gross weight of three tons coming from a "truck route" having ingress and egress by direct route to and from restricted streets when necessary for the purpose of making pickups or deliveries of goods, wares and merchandise from or to any building or structure located on such restricted streets or for the purpose of delivering materials to be used in the actual and bona fide repair, alteration, remodeling or construction of any building or structure upon such restricted streets for which a building permit has previously been obtained therefor.

(c) The provisions of this section shall not apply to

- (1) Passenger buses under the jurisdiction of the public utilities commission, or to
- (2) Any vehicle owned by a public utility while necessarily in use in the construction, installation or repair of any public utility. (Ord. No. 445.)

Article VIII. Loading and Unloading
Regulations; Curb Markings.

Sec. 13.58. Authorization and establishment of taxi stands.

Taxi stands shall be authorized and established by resolution of the city council. (Ord. No. 445.)

Sec. 13.59. Marking or signing taxi stands and bus zones.

Taxi stands and bus zones shall be indicated by red or white paint on the tops of all curbs within such zones and shall be marked or signed "Taxi" or "Bus Zone" respectively. (Ord. No. 445.)

Sec. 13.60. Meanings of curb markings.

Curb marking shall have the following meanings:

(a) Red shall mean no stopping, standing or parking at any time except as permitted by the Vehicle Code of the state and except that a bus or jitney may stop in a red zone marked or signed as a bus zone.

(b) Yellow shall mean no stopping, standing or parking at any time between 8:00 A. M. and 10:00 P. M., unless otherwise posted by signs, pavement or curb markings, for any reason other than the loading of passengers or materials, provided that the loading or unloading of materials shall consume no more than twenty minutes.

(c) White shall mean no stopping, standing or parking at any time of any day, for any purpose other than loading or unloading of passengers, which shall not exceed three minutes, except that licensed taxicabs may park or stand in a designated taxi stand longer than three minutes.

(d) Green shall mean no stopping, standing or parking for more than time specified on curb marking or signs posted. (Ord. No. 445.)

Sec. 13.61. Applicability of permission granted to stop or stand for loading and unloading of materials.

Permission herein granted to stop or stand a vehicle for purpose of loading or unloading of materials shall apply only to commercial deliveries, express and parcel post packages and United States mail. (Ord. No. 445.)

Sec. 13.62. Applicability of permission granted to stop or park for loading passengers.

Permission herein granted to stop and park for the purpose of loading passengers shall include personal baggage thereof. (Ord. No. 445.)

Sec. 13.63. Maximum length of bus zones; restricted location as to safety zones.

No bus zone shall exceed fifty feet in length, except that when evidence has been presented to the public works director showing the necessity therefor, he may direct extension of a bus zone to a maximum length of eighty feet. A bus zone shall not be established opposite and to the right of a safety zone. (Ord. No. 445.)

Article IX. Protection of
Pedestrians.

Sec. 13.64. Establishment of crosswalks by traffic engineer.⁶

The traffic engineer shall establish, and designate crosswalks at intersections and other places by appropriate devices, marks or lines upon the surface of the street as follows:

(a) Crosswalks shall be established and maintained at all intersections within the central traffic district and at such intersections outside such district, and at other places within or outside such district where the traffic engineer determines that there is particular hazard to pedestrians crossing the roadway subject to the limitation contained in paragraph (b) of this section.

(b) Other than crosswalks at intersections, no crosswalk shall be established in any block which is less than four hundred twenty-five feet in length (property line to property line measurement). Elsewhere not more than one additional crosswalk shall be established in any one block and such crosswalk shall be located as nearly as practicable at mid-block, providing that mid-block crosswalks may be es-

established in front of or on any side street of a school, if the traffic engineer has determined the necessity thereof for the safety of school children. (Ord. No. 445.)

6. For state law as to establishment of crosswalks, see Veh. C. A., § 21106.

Sec. 13.65. Use of crosswalks by pedestrians required.

No pedestrian shall cross a street other than by a crosswalk in the central traffic district or in any business district. (Ord. No. 445.)

Sec. 13.66. Crossing street at right angle.

No pedestrian shall cross a street at any place other than by a route at right angles to the curb or by the shortest route to the opposite curb except in a marked crosswalk. (Ord. No. 445.)

Sec. 13.67. Standing in streets to be in safety zone.

No person shall stand in any street other than in a safety zone if such action interferes with the lawful movement of traffic. This section shall not apply to any public officer or employee, or employee of a public utility when necessarily upon a street in line of duty. (Ord. No. 445.)

Sec. 13.68. Manner of stopping and standing on sidewalks.

No pedestrian shall stop or stand on a sidewalk except as near as physically possible to the building line or curb line. (Ord. No. 445.)

Sec. 13.69. Playing in street or crosswalk.

No person shall play in any public street or crosswalk. (Ord. No. 445.)

Article X. Violations and Penalties.

Sec. 13.70. Penalty for violators and aiders, abettors and assistants of violators of provisions of chapter.

Any person who shall violate any of the provisions of this chapter, and any person who aids, abets or assists therein, shall be guilty of a misdemeanor, and upon conviction thereof, shall be punishable by a fine of an amount not to exceed five hundred dollars for each offense or violation,

or be imprisoned for a term not exceeding six months in the county jail of the County of Solano, or in any place provided by the city for the detention of prisoners, or by both such fine and imprisonment. (Ord. No. 445.)

Sec. 13.71. Procedure subsequent to attachment of illegal parking notice.

For all violations under this chapter for illegal parking of vehicles, the provisions of sections 41102 and 41103 and 40513 of the Vehicle Code of the state shall be followed, reference to which is hereby made and incorporated herein. After the attachment to the vehicle of the illegal parking notice required under section 41103 (1) of such Vehicle Code or violation of the parking regulations hereof, the officer attaching the same shall file a copy thereof with the Vacaville Judicial District Court. If neither the person causing such illegal parking nor the registered owner of the vehicle responsible therefor shall appear before the Vacaville Judicial District Court at or before the time set forth in the notice, the Court shall thereupon fix the bail for such violation and cause the notice provided for under section 41103 (2) to be served as required by such section, endorsing upon such notice a statement of the amount of bail so fixed. The registered owner or person causing such illegal parking, may prior to the date upon which he is to appear, deposit with the Court the amount of bail thus set. Thereafter, if at the time specified in such notice for the appearance of such registered owner or person causing such illegal parking, he shall not appear, either in person or by counsel, or if such person files a written consent, the Court may declare the bail forfeited, and may, in its discretion, order that no further proceedings shall be had in such case. No warrant shall be issued on such charge for the arrest of such person, unless and until he has failed to deposit bail, to appear for arraignment, trial or judgment, or to comply with the terms and provisions of the judgment as required by law. (Ord. No. 445.)

Sec. 13.72. Impoundment of vehicles.

Upon conviction of any violation of the provisions in this chapter prohibiting the riding of a vehicle along or on any sidewalk or parkway, the Vacaville Judicial District Court shall have the right to include in the penalty fixed therefor the impounding of such vehicle for a period not to exceed thirty days for the second offense, and not more than ninety days for a third offense. (Ord. No. 445.)

CHAPTER 14.

OFFENSES--MISCELLANEOUS³

3. For state law as to fireworks generally, see H. & S. C. A., §§ 12500 to 12801. For state law as to fighting, quarreling, etc., in public, see Pen. C., § 415. For state law as to disturbing the peace, see Pen. C., § 415. For state law as to the use of profanity in the presence of women or children, see Pen. C., § 415. For state law as to disorderly houses, see Pen. C., § 316. As to houses of ill fame, see Pen. C., § 315. For definition of riot, see Pen. C., § 404. For state law as to spitting in public places, see Pen. C., § 372a. As to spitting in food establishments generally, see H. & S. C. A., § 28293. See also H. & S. C. A., § 28650. For definition of vagrant, see Pen. C., § 647. For state law as to beggars

Offenses--Miscellaneous

being deemed a vagrant, see
Pen. C., § 647. For state law
as to concealed weapons generally
see Pen. C., §§ 12000 to 12094.

- Sec. 14.1. Air guns, toy pistols, slingshots, etc.--Sale
to minor.
- 14.2. Same--Use prohibited.
- 14.3. Congregation in public places.
- 14.4. Curfew--Application to persons under eighteen;
exceptions.
- 14.5. Same--Responsibility of parent, guardian, etc.,
that person under eighteen observes curfew.
- 14.6. Same--Violation of curfew by person under
eighteen.
- 14.7. Females--Annoying, exposing to ridicule, etc.
- 14.7-1. Fortunetelling, etc.--Practice for compensation
prohibited.
- 14.7-2. Same--Advertisement of practice prohibited.
- 14.7-3. Same--Exceptions to prohibition of practice and
advertising.
- 14.8. Gambling--Cards, dice, etc.
- 14.9. Intoxication.
- 14.10. Peace officers--Barricading house, etc., against
entry of peace officer.
- 14.11. Same--Persons being in house barricaded against
entry of peace officer.
- 14.12. Same--Acting as guard to warn of approach of
peace officer.
- 14.13. Same--Preventing peace officer from entering
public houses, rooms, etc.
- 14.14. Pool or billiard halls--Hours of operation.
- 14.15. Restaurants, cigar stands, billiard or poolrooms,
etc.--Use of blinds, colored glass, etc., to
hide conduct of business.
- 14.16. Same--Conduct of business behind closed doors.
- 14.17. Same--Maintenance of closed room or booth to hide
occupants.
- 14.18. Solicitors, peddlers and transient vendors--Going
in or upon private residences prohibited.

Sec. 14.1

Offenses--Miscellaneous

Sec. 14.3

- Sec. 14.19. Same--Sales of milk, eggs, dairy products, etc., excepted from preceding section.
- 14.20. Stones or missiles--Throwing at persons or animals.
- 14.21. Theatres, public assembly balls, etc.--Disturbing meeting, etc.

Sec. 14.1. Air guns, toy pistols, slingshots, etc.--
Sale to minor.

It shall be unlawful for any person within the city to sell, expose for sale, or give away, or otherwise dispose of any slingshot, toy pistol provided for the use of powder cartridge, air gun, pea gun or other mechanism in the shape or form of a gun or pistol, whereby a missile is propelled or expelled from it by means of a spring or air to any minor. (Ord. No. 105, § 1.)

Sec. 14.2. Same--Use prohibited.

It shall be unlawful for any person to use within the city any slingshot, toy pistol provided for the use of powder cartridge, air gun, pea gun or other mechanism in the shape of a gun or pistol, whereby a missile is propelled or expelled from it by means of a spring or air. (Ord. No. 105, § 2.)

Sec. 14.3. Congregations in public places.⁴

It shall be unlawful within the limits of the city for two or more persons to assemble together for the purpose of doing any act of violence, or inciting or advising others to do any act of violence, or to permit any criminal act. (Ord. No. 255, § 2.)

4. For definition of unlawful assembly, see Pen. C., § 407.

As to obstructing streets and sidewalks by holding meetings thereon, see § 17.1 of this Code.

Sec. 14.4. Curfew--Application to persons under eighteen; exceptions.

It shall be unlawful for any person under the age of eighteen years to loiter, idle, wander, stroll or play in or upon the public streets, highways, roads, alleys, parks, playgrounds or other public places or grounds or buildings, places of amusements and eating places, bars, saloons, pool halls, vacant lots or other unsupervised places, between the hours of 10:00 P. M. and 5:00 A. M. of the day immediately following; provided, however, that the provisions of this section do not apply when the person is accompanied by his or her parent, guarandian or other adult person having the care and custody of the person, or when the person is upon an emergency errand directed by his or her parent or guardian or other adult person having the care and custody of the person, or when the person is returning directly home from a meeting, entertainment, recreational activity or dance, or when the person is going directly to or returning from work.

A person under the age of eighteen years may obtain food in a cafe after a meeting, entertainment, recreational activity, dance or work after the hour of 10:00 P. M. but must vacate the premises immediately after consuming the food served and proceed directly home. (Ord. No. 371, § 1.)

Sec. 14.5. Same--Responsibility of parent, guardian, etc., that person under eighteen observes curfew.

It shall be unlawful for the parent or guardian or other adult person having the care and custody of a person under the age of eighteen years, to wilfully permit or allow such person to loiter, idle, wander, stroll or play in or upon the public streets, highways, alleys, roads, parks, playgrounds or other public grounds, public places or public buildings, places of amusements and eating places, bars, saloons, pool halls, vacant lots or other unsupervised places, between the hours of 10:00 P. M. and 5:00 A. M. of the day immediately following, contrary to the provisions of section 14.4 of this Code. (Ord. No. 371, § 2.)

Sec. 14.6. Same--Violation of curfew by person under eighteen.

Any person under the age of eighteen years violating the provisions of section 14.4 of this Code shall be guilty of a misdemeanor, and shall be dealt with in accordance with juvenile court law and procedure. (Ord. No. 371, § 4.)

Sec. 14.7. Females--Annoying, exposing to ridicule, etc.

Any person who upon the street or in any public place wantonly or wilfully attempts to direct public attention to or concerning any female, in a manner intended or likely to expose her to ridicule or unusual notice, or to cause her annoyance or mortification or who against her will or consent quarrels, attempts to quarrel or accompany her is guilty of a misdemeanor. (Ord. No. 6, § 5.)

Sec. 14.7-1. Fortunetelling, etc.--Practice for compensation prohibited.

It shall be unlawful for any person to exhibit, engage in or conduct for a fee, salary or other compensation or remuneration or any representative of value or other consideration whatsoever, the business, art or practice of astrology, palmistry, phrenology, life-reading, fortunetelling, cartomancy, clairvoyance, clairaudence, crystal gazing, mediumship, prophecy, augury, divination, mind reading or necromancy or to sell or distribute books, pamphlets, or any article or thing granting and giving a palmistry reading, phrenology reading or telling of fortunes or fortunetelling. (Ord. No. 497, § 1.)

Sec. 14.7-2. Same--Advertisement of practice prohibited.

It shall be unlawful for any person to advertise by signs, circular, handbill or in any newspaper, periodical or other publication, or by any other means, that such person is or will engage in or carry on any of the businesses, arts or practices set forth in section 14.7-1, or to advertise to find or restore lost or stolen property, to locate oil wells or other ore or metal or natural product, to unite or locate lost relatives or friends, for or without pay, by means of occult or psychic powers, faculties or forces, clairvoyance, psychology, psychometry, spirits, mediumship, seership, prophecy, astrology, palmistry, necromancy, or other craft, science, cards, talismans, charms, potions, magnetism or magnetized articles or substances, oriental mysteries or magic of any kind or nature, or numerology or to engage in or carry on any business, art or practice the advertisement of which is prohibited by this section. (Ord. No. 497, § 2.)

Sec. 14.7-3. Same--Exceptions to prohibition of practice and advertising.

Sections 14.7-1 and 14.7-2 shall not apply to any clergyman, minister, pastor, rector or missionary accredited to or ordained by any church, ecclesiastical corporation or religious organization duly organized and incorporated under the laws of any state or territory of the United States of America, and while such person is engaged in ministering to, or conducting religious worship or offices of such church, ecclesiastical corporation or religious organization; provided, that the fees, gratuities, emoluments or profits from the same shall be paid solely to or for the benefit of the church, ecclesiastical corporation or religious organization; provided, further, that

any church or religious organization which is organized for the primary purpose of conferring certificates of commission, credit or ordination for a price and not primarily for the purpose of teaching and practicing a religious doctrine or belief, shall not be deemed to be a bona fide church or religious organization. (Ord. No. 497, § 3.)

Sec. 14.8. Gambling--Cards, dice, etc.⁵

No person shall within the city, deal, play, carry on, open or cause to be opened, or conduct, either as owner or employee, whether for hire or not, any game played with cards, dice or any device, for money or other thing of value.

As used in this section, a "thing of value" is defined to be any money, coin, currency, check, chip, allowance, token, credit, merchandise, property or any representative of value. (Ord. No. 376, §§ 1, 2.)

5. For state law as to gaming generally, see Pen. C., §§ 330 et seq.

Sec. 14.9. Intoxication.

It shall be unlawful for any person to be in an intoxicated or drunken condition by reason of the consumption of alcoholic beverages in the following places within the city:

(a) In or upon any street, thoroughfare, alley, sidewalk, public ground, public place, places upon or accessible to the public or exposed to public view.

(b) In or on an automobile, motorcycle or other motor vehicle, streetcar, railroad car or other vehicle. (Ord. No. 346, § 1.)

Sec. 14.10. Peace officers--Barricading house, etc.,
against entry of peace officer.

It shall be unlawful for any person to occupy or maintain within the limits of the city any house or room with the door or window barred or barricaded, or any

place built, dug or protected in any manner to make it difficult of access or ingress to peace officers. (Ord. No. 139, § 1.)

Sec. 14.11. Same--Persons being in house barricaded against entry of peace officer.

It shall be unlawful for any person to visit, resort to or be within any house, room or other place within the limits of the city, where any door, window or opening is barred, barricaded or protected in any manner to make it difficult of access or ingress to peace officers, where two or more persons are assembled, any one of whom is not a member of the family of the proprietor, tenant or owner of the house, room or place. (Ord. No. 139, § 2.)

Sec. 14.12. Same--Acting as guard to warn of approach of peace officer.

It shall be unlawful for any person, whether on the street or elsewhere, to act as informant, lookout, guard, sentinel or watchman to warn the inmates of any house within the limits of the city of the approach of a peace officer. (Ord. No. 139, § 3.)

Sec. 14.13. Same--Preventing peace officer from entering public house, rooms, etc.

It shall be unlawful for any person, at any public house, room or place within the limits of the city, where any person not a member of the family or the regular occupant thereof is known to be within, or seen go therein, to close the door of the house, room or place to prevent a peace officer from going therein. (Ord. No. 139, § 4.)

Sec. 14.14. Pool or billiard halls--Hours of operation.

It shall be unlawful for any person, engaged in con-

ducting a place of business or establishment, wherein pool or billiards are played for hire, to remain open or do business in his place of business or establishment, after the hour of 11:30 P. M. or before the hour of 6:00 A. M. (Ord. No. 166, § 1.)

Sec. 14.15. Restaurants, cigar stands, billiard or poolrooms, etc.--Use of blinds, colored glass, etc., to hide conduct of business.

It shall be unlawful for any person to erect, maintain or use in any manner any blind, screen, stained or colored glass in or upon any premises within the city occupied or used as a restaurant, cigar stand, billiard or poolroom or any other place of business conducted in the city so that the business conducted there cannot be plainly seen by the passers-by on the street. (Ord. No. 156, § 1.)

Sec. 14.16. Same--Conduct of business behind closed doors.

It shall be unlawful for any person to conduct any restaurant, cigar stand, billiard or poolroom or other business within the city behind closed doors. (Ord. No. 156, § 2.)

Sec. 14.17. Same--Maintenance of closed room or booth to hide occupants.

It shall be unlawful for any person to have, conduct or maintain in any restaurant, cigar stand, billiard or poolroom or any other place of business any closed room or booth in which the occupants may be screened or hidden from view. (Ord. No. 156, § 3.)

Sec. 14.18. Solicitors, peddlers and transient vendors⁶--
Going in or upon private residences
prohibited.

The practice of going in and upon private residences in the city by solicitors, peddlers, hawkers, itinerant merchants and transient vendors of merchandise, not having been requested or invited to do so by the owner or occupant of such private residences, for the purpose of soliciting orders for the sale of goods, wares and merchandise, or for the purpose of disposing of, peddling or hawking such goods, wares and merchandise is hereby prohibited, declared to be a nuisance and punishable as such as a misdemeanor. (Ord. No. 383, § 1.)

6. For state law provisions as to licenses of itinerant vendors selling or in any manner disposing of drugs, nostrums, ointments, etc., see B. & P. C., § 4060.

Sec. 14.19. Same--Sales of milk, eggs, dairy products, etc., excepted from preceding section.

The provisions of the preceding section shall not apply to the sale or soliciting of orders for the sale of milk, dairy products, vegetables, poultry, eggs and other farm and garden produce so far as the sale of the commodities named herein is now authorized by law. (Ord. No. 383, § 1.)

Sec. 14.20. Stones or missiles--Throwing at persons or animals.

Any person who throws stones or other missiles at persons passing on the street or in any other place or who frightens or attempts to frighten any horse or other animal carrying persons in vehicles or otherwise, or who wantonly or wilfully throws stones or other missiles at any animals the property of another is guilty of a misdemeanor. (Ord. No. 6, § 3.)

Sec. 14.21. Theatres, public assembly halls, etc.--
Disturbing meeting, etc.

Any person who, in any theatre, opera house or any place of public assembly shall, by any unruly or boisterous conduct, or any whistling, stamping or loud talking, disturb such meeting, or do any other act or thing tending to disturb such meeting or performance, shall be guilty of a misdemeanor. (Ord. No. 6, § 15.)

CHAPTER 15.

POLICE RESERVE.⁷

7. As to citation for violations of city ordinances generally, see §§ 2.24 to 2.31 of this Code. As to police powers of poundmaster and deputies, see § 4.19. As to duties of police department with reference to bicycle licenses generally, see § 5.1 et seq. As to seizure by police of gambling devices generally, see § 7.3. As to approval by chief of police of license to operate cigarette vending machines, juke boxes and mechanical amusement devices, see § 7.11. As to duty of chief of police to keep account of parking meter violations, see § 13.27. As to peace officers generally, see §§ 14.10 to 14.13. As to duties of chief of police with reference to enforcement of the Zoning Ordinance, see § 5 of the Appendix.

- Sec. 15.1. Definitions.
15.2. Rules and regulations.
15.3. Creation; composition; appointment; supervision.
15.4. Eligibility for membership.
15.5. Qualifications and standards for membership.
15.6. Compensation.
15.7. Duties--Public services to be rendered; obstructing members in discharge of duties.
15.8. Same--Preparation against perils from disaster.
15.9. Member to have powers of peace officer.
15.10. Reserve members deemed public officers.
15.11. Uniforms; badges; equipment.
15.12. Disposal of badge, identification card and cap shield upon separation from reserve.
15.13. Minimum hours to be served by each member.
15.14. Dismissal of reserve members.
15.15. Resignation from reserve.
15.16. Registration of members with accredited disaster council.
15.17. Impersonation of reserve member.

Sec. 15.1. Definitions.

The following words and phrases, when used in this chapter, shall, for the purpose of this chapter, have the meanings respectively ascribed to them in this section:

Chief. The word "chief" shall mean the chief of police of the city.

Member. The word "member" shall mean a member of the Vacaville police reserve.

Reserve. The word "reserve" shall mean the Vacaville police reserve. (Ord. No. 424, § 1.)

Sec. 15.2. Rules and regulations.

The chief of police is hereby authorized, directed and empowered to prepare and promulgate such rules and regulations and any revisions or amendments thereof, as may be in his discretion, necessary to carry out the express intent of this chapter. (Ord. No. 424, § 15.)

Sec. 15.3. Creation; composition; appointment; supervision.

The city police reserve is hereby created and established. The reserve of not more than twenty-five men shall be appointed by the city administrator on recommendation of the chief of police and shall be under the direction of the chief of police of the city. (Ord. No. 424, § 2.)

Sec. 15.4. Eligibility for membership.

To be eligible to membership in the reserve, each applicant must indicate his willingness to serve an average minimum of eight hours per month in the public service. (Ord. No. 424, § 11.)

Sec. 15.5. Qualifications and standards for membership.

The chief of police of the city shall, by rule, promulgated by him, prescribe the qualifications and standards by which applicants for membership in the reserve shall be governed and persons possessing the qualifications and conforming to the standards may be appointed to the reserve. (Ord. No. 424, § 3.)

Sec. 15.6. Compensation.

The amount and method of payment of compensation for the reserve shall be as hereinafter fixed by reso-

lution of the city council, hereafter duly passed and adopted. (Ord. No. 424, § 13.)

Sec. 15.7. Duties--Public services to be rendered;
obstructing members in discharge of duties.

Members of the reserve shall perform only such public service as may be ordered by the chief of police and it shall be unlawful for any person to wilfully resist, delay or obstruct any member in the discharge or attempt to discharge any duties of his office. (Ord. No. 424, § 4.)

Sec. 15.8. Same--Preparation against perils from disaster.

In addition to the duties assigned by the chief of police, the reserve is hereby assigned the duty of preparing against the perils to civilian life and property that may be expected to result from attack from or during war or from any disaster that may threaten lives and property in the city. (Ord. No. 424, § 5.)

Sec. 15.9. Member to have powers of peace officer.

In the enforcement of the penal laws of the state, or the penal laws of the city, and in performance of such other duties as may be designated by the chief of police every duly authorized member, while on duty, shall be deemed to have all the powers of a peace officer. (Ord. No. 424, § 6.)

Sec. 15.10. Reserve members deemed public officers.

All persons appointed to the reserve by the city administrator, pursuant to the provisions of this chapter shall be deemed public officers. (Ord. No. 424, § 12.)

Sec. 15.11. Uniforms; badges; equipment.

The uniform, badge and equipment to be worn and

carried by the members, while on duty only, shall be as prescribed by the chief of police. (Ord. No. 424, § 7.)

Sec. 15.12. Disposal of badge, identification card and cap shield upon separation from reserve.

Upon separation of any person from the reserve, the badge, identification card and cap shield, issued to him, shall be returned to the chief of police and the member so returning such items shall be entitled to no compensation therefor. (Ord. No. 424, § 10.)

Sec. 15.13. Minimum hours to be served by each member.

Each member of the reserve must serve a minimum of eight hours per month in the public service. (Ord. No. 424, § 11.)

Sec. 15.14. Dismissal of reserve member.

Where any member has failed to give the minimum hours of service to the reserve required by section 15.13 of this Code for a period of one month, the chief of police shall inquire into the reasons therefor and unless good reason is shown for the failure to render the minimum hours required, the chief of police may recommend to the city administrator, the dismissal of the member from the reserve. The city administrator, upon recommendation of the chief of police may dismiss a member from the reserve without any hearing whatsoever. (Ord. No. 424, §§ 9, 11.)

Sec. 15.15. Resignation from reserve.

Each member shall have the right to resign from the reserve at any time. (Ord. No. 424, § 9.)

Sec. 15.16. Registration of members with accredited disaster council.⁸

Each member of the reserve shall be registered with an accredited disaster council. (Ord. No. 424, § 14.)

8. As to civil defense and disaster council of the city generally, see §§ 8.3 and 8.4 of this Code.

Sec. 15.17. Impersonation of reserve member.

It shall be unlawful for any person to impersonate or falsely represent himself to be a member, or to wear, use or possess a badge used by the reserve. (Ord. No. 424, § 8.)

CHAPTER 16.

SEWERS.⁹

9. For state law as to sewers generally, see H. & S. C. A., §§ 4600 to 5830.08. As to authority of cities to regulate constructions, etc., of sewers, see Gov. C. A., § 38660. See also, Gov. C. A., § 38900. As to "Sewer Right of Way Law of 1921", see Gov. C. A., §§ 39000 to 39374.

As to planting trees within five feet of sewer, see § 21.6 of this Code. For Plumbing Code, see §§ 6.4 and 6.5.

- Sec. 16.1. Definitions.
16.2. Acceptance of sewage at connection to mains.
16.3. Discharge of surface water, etc., into sewer prohibited.
16.4. Rates and charges for service--Service to be at rates set forth herein; special contracts.
16.5. Same--Levy and assessment generally; purpose.
16.6. Same--General inside city limits service rates.
16.7. Same--General outside city limits service rates.
16.8. Same--Lien upon premises served.
16.9. Same--Billing and payment of monthly sewer charges.
16.10. Same--Contractural rates.
16.11. Discontinuance of service generally.
16.12. Screening of industrial sewage.

- Sec. 16.13. Installation of flume or automatic recording device for measuring sewage.
- 16.14. Checking screening, measuring and recording mechanisms.
- 16.15. Sampling of industrial sewage discharge.
- 16.16. Application for service--Required when service desired; manner of and signing; nonobligation of city.
- 16.17. Same--Use of sewer without application.
- 16.18. Same--Former customer owing bills.
- 16.19. Same--Application deposit.
- 16.20. Liability for service; joint applications by two or more persons.
- 16.21. Limiting quantity of sewage discharged by industrial users.
- 16.22. Grounds for refusal or discontinuance of service--By director of public works.
- 16.23. Same--By sewer division; discontinuance and re-connection charges.
- 16.24. Connections--To sewage system required.
- 16.25. Same--Application for service connection.
- 16.26. Same--Standard sewer service connection.
- 16.27. Same--Other than standard connection.
- 16.28. Same--Charges for new service connections.
- 16.29. Same--Payment of charges in advance.
- 16.30. Same--Payment of charges and receipt therefor.
- 16.31. Same--Changes in size and type.
- 16.32. Same--Changes in location.
- 16.33. Same--Inspection.
- 16.34. Same--Location required.
- 16.35. Same--Separate premises for each connection.
- 16.36. Same--Same--Exceptions.
- 16.37. Same--Council approval for premises outside city.
- 16.38. Same--Main extensions.
- 16.39. Same--Subdivisions.
- 16.40. Sewer main extensions--Application for.
- 16.41. Same--Payment of cost.
- 16.42. Right of entry, etc., of director of public works for inspections, etc.
- 16.43. Procedure when street work contemplated or done.
- 16.44. Service extension and expansion outside city limits.
- 16.45. Sewer connection credit.

Sec. 16.1. Definitions.

The following terms when used in this chapter shall have the following meanings:

Commercial office shall mean the business office of the sewer division located in the City Hall of the city.

General service shall mean the furnishing of facilities for domestic, commercial, industrial and governmental sewer service; excepting industrial service as defined in this section.

Industrial service shall mean the furnishing of sewer service to a commercial establishment, the use of such sewer facilities being a necessary and an integral part of the operation of that enterprise. Industrial services shall be divided into two separate classes: Class I and Class II services. Class I service shall mean that sewer service for which the peak biochemical oxygen demand (BOD), or suspended solids (SS) content, or both does not exceed 300 parts per million gallons of sewage discharge and/or the volume of sewage discharge does not exceed 50,000 gallons per day. Class II service shall mean that sewer service for which the peak biochemical oxygen demand (BOD), or suspended solids (SS) content, or both exceeds 300 parts per million gallons of sewage discharge and/or the volume of sewage discharge exceeds 50,000 gallons per day.

Premises shall mean any separate identifiable and transferable lot or parcel of real property, including the improvements thereon, excepting those portions thereof having well defined boundaries such as walls, fences, or hedges thus preventing the common use of the property by all occupants which shall also be considered as a separate premises.

Sewage shall mean a combination of liquid or water-carried waste conducted away from residences, commercial establishments and institutions, which is known as domestic sewage, together with the liquid or water carried waste resulting from a manufacturing process employed in industrial establishments, including the washing, cleaning, cooling or drain water from such processes, which is known as industrial waste.

Sewer division shall mean that division of the public works department of the city designated to administer the sewerage system operated by the city. The term shall include the director of public works and other employees of the city serving in such sewer division.

Sewer service areas "A" and "B" shall mean those areas designated and delineated on that map marked Exhibit "A" as

adopted by Resolution 1960 B-2 on June 20, 1960 and placed on file in the city clerk's office.

Sewer service line shall mean any individual sewer lateral located on any private premises and/or extending from any structure to a sewer main located in any street, alley, or public utility right of way.

Sewer system shall mean the sewer mains and plants operated by the city together with such additions and improvements thereto as may be made from time to time.

Sewer users shall mean any person or any public agency (including the State of California, the United States of America, or any public corporation, political subdivision, city, county, district or agency of any thereof, and the city or any agency of the city) making use of the sewer system. (Ord. No. 464, § 1.)

Sec. 16.2. Acceptance of sewage at connection to mains.

The sewer division will accept sewage at the sewer users connection to the sewer main which may be located in any street, alley or public utility easement. No maintenance will be performed by the city on sewer service lines except at the sewer users expense. (Ord. No. 464, § 2.)

Sec. 16.3. Discharge of surface water, etc., into sewer prohibited.

No ground water, surface water, storm water, inflammables or explosive materials or chemicals injurious to sewer transportation or treatment facilities will be permitted to be discharged into the city sewerage system. (Ord. No. 464, § 2; Ord. No. 527, § 1.)

Sec. 16.4. Rates and charges for service--Service to be at rates set forth herein; special contracts.

All sewer service shall be at the rates as hereinafter set forth. In such cases as the city council may decide that it is in the best interest of the city, due to the volume to be discharged or times of discharge or other special circum-

stances, special contracts may be entered into whereby sewer service is furnished at flat rates or special metered rates. In such cases the service shall be considered an "industrial service." (Ord. No. 464, § 2.)

Sec. 16.5. Same--Levy and assessment generally; purpose.

For the purpose of providing funds (1) for payment at or

before maturity of the principal and interest on all sewer revenue and general obligation bonds heretofore or hereafter issued by the city for the purpose of acquisition, construction, improvement and financing of the sewer system, (2) for payment of the cost of additions to or improvements of the sewerage system, (3) for payment of the cost of maintenance and operation of the sewerage system, and thereafter (4) for any lawful purpose, there are hereby levied and assessed upon all premises connected with the city sewerage system the sewer rates and charges herein set forth. (Ord. No. 464, § 3.)

Sec. 16.6. Same--General inside city limits service rates.

Every sewer user whose premises being served by the sewerage system is inside the city limits shall pay the following rates:

(A) Single family dwellings, a minimum charge of one dollar and fifty cents per month or fraction thereof per unit.

(B) Each single family unit in a duplex dwelling, a minimum charge of one dollar and fifty cents per month or fraction thereof, per unit.

(C) Apartments, flats and multiple type dwellings other than duplexes, a minimum charge of one dollar and twelve and one-half cents per month or fraction thereof, per unit.

(D) Hotels and motels, a minimum charge of one dollar and fifty cents per month; and an additional charge of fifty-two and one-half cents per rental unit.

(E) Rooming houses, a minimum charge of one dollar and fifty cents per month; and an additional charge of fifty-two and one-half cents per rental unit over two units.

(F) Trailer courts, a minimum charge of one dollar and twelve and one-half cents per month or fraction thereof per trailer space.

(G) Churches, one dollar and **fifty** cents per month.

(H) Commercial establishments, a minimum charge of one dollar and fifty cents per month. Sewage contribution in excess of sixty cubic feet per day, volume charge six cents per hundred cubic feet of sewage discharge.

(I) Lodge or clubhouse, minimum charge of one dollar and fifty cents per month. Sewage contribution in excess of sixty cubic feet per day, volume charge six cents per hundred cubic feet of sewage discharge.

(J) Schools, minimum charge of three dollars and seventy-five cents per month. During the school year a charge of three dollars and seventy-five cents per month per one hundred students or fraction thereof, based on average daily attendance for the month.

(K) Industrial establishments, a minimum charge of one dollar and fifty cents per month, and an additional charge of:

(1) Class I industry:

Sewage contribution in excess of sixty cubic feet per day, volume charge six cents per hundred cubic feet of sewage discharge.

(2) Class II industry:

Industries of this class shall be charged rates established by city council action in each individual case. (Ord. No. 464, § 3; Ord. No. 496, § 1; Ord. No. 584, § 2.)

Sec. 16.7. Same--General outside city limits service rates.

Every sewer user whose premises being served by the sewerage system is outside the city limits shall pay the following rates:

(A) Single family dwelling, a minimum charge of six dollars per month or fraction thereof.

(B) Each single family unit in a duplex dwelling, a minimum charge of six dollars per month or fraction thereof, per unit.

(C) Apartments, flats and multiple type dwellings other than duplexes, a minimum charge of four dollars and fifty cents per month or fraction thereof, per unit.

(D) Hotels and motels, a minimum charge of six dollars per month; and an additional charge of two dollars and ten cents per rental unit.

(E) Rooming houses, a minimum charge of six dollars per month; and an additional charge of two dollars and ten cents per rental unit over two units.

(F) Trailer courts, a monthly charge shall be calculated as "C" in the formula $C = 1.5 (S+T)$ wherein

12

S = monthly inside sewer service charge applicable to establishment.

T = inside annual sewer tax rate per one hundred dollars times the assessed valuation for premises.

The factor "T" in this formula shall be set in a contract between the city and the sewer user which shall be renewed September 1, of each year.

(G) Churches, six dollars per month.

(H) Commercial establishments, a monthly charge shall be calculated as "C" in the formula $C = 1.5 (S+T)$ wherein

12

S = monthly inside sewer service charge applicable to establishment.

T = inside annual sewer tax rate per one hundred dollars times the assessed valuation for premises.

The factor "T" in this formula shall be set in a contract between the city and the sewer user which shall be renewed September 1, of each year.

(I) Lodge or clubhouse, minimum charge of six dollars per month. Sewage contribution in excess of sixty cubic feet per day, volume charge eighteen cents per hundred cubic feet of sewage discharge.

(J) Schools, minimum charge of three dollars and seventy-five cents per month. During the school year a charge of three dollars and seventy-five cents per month per one hundred students or fraction thereof, based on average daily attendance for the month.

(K) Industrial establishments,

(1) Class I Industry:

Monthly charge shall be calculated as "C" in the formula $C = 1.5 (S+T)$ wherein

12

S = monthly inside sewer service charge applicable to establishment.

T = inside annual sewer tax rate per one hundred dollars times the assessed valuation for premises.

The factor "T" in this formula shall be set in a contract between the city and the sewer user which shall be renewed September 1, of each year.

(2) Class II Industry:

Industries of this class shall be charged rates established by city council action in each individual case. (Ord. No. 464, § 3; Ord. No. 584, § 3.)

Sec. 16.8. Same--Lien upon premises served.

Each charge or rental levied by or pursuant to this chapter on property within the city limits is hereby made a lien upon the corresponding premises served by a connection to the city sewerage system. (Ord. No. 464, § 3.)

Sec. 16.9. Same--Billing and payment of monthly sewer charges.

All sewer charges shall be due at the commercial office upon presentation of the bill and shall become delinquent fifteen days after presentation. All charges may be combined with charges for water service on bills or statements rendered by the commercial office for premises connected to the city water system. The bills shall state their purpose (sewer service), shall give the name and last known address of the person responsible for payment (as herein provided), shall list separately the charges for each service and the total charge for all services. No charge may be paid separately from the others. If the premises with sewer service are not connected with the water system, a separate bill shall be rendered for sewer service. All bills shall be for monthly or bimonthly periods or for such other period as shall be determined by resolution of the city council; provided, however, that the director of public works shall have the power to require any user to pay bills monthly if, in the director of public works' opinion, monthly payments shall be required for the protection of the city.

Opening bills, closing bills, and other bills requiring proration will be computed in accordance with applicable schedule. Should the total period of service be less than one month, proration will be made and no bill shall be less than the specified monthly fixed minimum charge. (Ord. No. 464, § 7.)

Sec. 16.10. Same--Contractual rates.

The city council reserves the right pursuant to section 16.4 hereof, to negotiate by contract rates different than those herein expressed, and that such contractual rates shall take preference over any other rates or rate herein set forth. (Ord. No. 464, § 10.)

Sec. 16.11. Discontinuance of service generally.

Every sewer user availing themselves of the sewer facilities shall be bound by this chapter, and whenever any one of the rules and/or regulations is violated, the right is reserved to disconnect the sewer service for noncompliance. The sewer division shall disconnect the sewer service if the sewer user either fails to comply or fails to appear and show cause before the city council why his sewer service should not be discontinued, within fifteen days after the date of written notice of violation. If such noncompliance affects matters of public health or safety, or affects the operation, maintenance or other costs of the sewer system, sewer service may be discontinued immediately and without notice. The sewer user whose service is thus discontinued shall forfeit all deposits made, and the sewer shall not be reconnected until all unpaid fees and charges are paid and the other requirements of this chapter are fulfilled. (Ord. No. 464, § 4.)

Sec. 16.12. Screening of industrial sewage.

Industrial sewage must be screened through the equivalent of a twenty-mesh screen. The sewer user shall install an approved type of screen to remove all solids retained on the mesh screen required for the screening of industrial sewage and shall make suitable arrangements for disposal of these solids by means other than the sewerage system. (Ord. No. 464, § 4.)

Sec. 16.13. Installation of flume or automatic recording device for measuring sewage.

Whenever the director of public works determines by me-

chanical measurement devices that the sewage contribution of any user of the sewerage system is in excess of sixty cubic feet per day, the sewer user shall install an approved flume and an automatic recording device, or other approved means for measurement of sewage, all at the sewer user's expense. In lieu of this device, the city council may elect to have the sewer user pay sewage charges based on one hundred per cent of water consumption. (Ord. No. 464, § 4.)

Sec. 16.14. Checking screening, measuring and recording mechanisms.

The director of public works shall have the right at all times to check the operation of the screening, measuring and recording mechanisms, and shall cause a monthly reading of the measuring mechanism to be made for billing purposes. (Ord. No. 464, § 4.)

Sec. 16.15. Sampling of industrial sewage discharge.

The director of public works shall from time to time cause samplings of sewage discharge to be taken for the purpose of determining the peak biochemical oxygen demand (BOD) and suspended solids (SS) content of an industrial user's discharge. No Class I industry shall be reclassified as Class II until its sewage has been analyzed in accordance with laboratory procedures specified in "Standard Methods for The Examination of Water and Sewage" published by the American Public Health Association, 1946, as amended in the Ninth Edition, Third Printing, 1949 or as the same may be amended hereafter. When an industrial sewer user requests determination of peak biochemical oxygen demand and suspended solids contents, he shall pay a sampling fee of fifty dollars for each such sampling. (Ord. No. 464, § 4.)

Sec. 16.16. Application for service--Required when service desired; manner of and signing; nonobligation of city.

All persons or entities desiring service from the sewerage system shall make application therefor in conjunction with water service at the commercial office. Such application shall be in the manner prescribed by the director of public works and shall be signed by the applicant or his authorized agent. Receipt of such application shall not obligate the sewer division to provide service until the application has been approved by the director of public works or his author-

ized agent. The application, a request for sewer service, shall not obligate the applicant to take such service for any period of time in excess of that upon which the minimum charges for such account are based. (Ord. No. 464, § 5.)

Sec. 16.17. Same--Use of sewer without application.

A person taking possession of premises and using sewer facilities without having made application to the commercial office for sewer service, shall be held liable for all charges made for sewer service, from the date of the last billing. If proper application for service is not made within seven calendar days after notification to do so by the director of public works or if accumulated bills for sewer service are not paid upon presentation, the sewer service shall be discontinued without further notice. (Ord. No. 464, § 5.)

Sec. 16.18. Same--Former customer owing bills.

When an application for sewer service is made by a former customer who has failed to pay all bills for sewer service previously received or charges in relation to any other service received from the sewerage system, the director of public works shall refuse to furnish sewer service to the applicant until the outstanding bills or charges are paid; and shall require a cash deposit as a guarantee for the payment of future bills. (Ord. No. 464, § 5.)

Sec. 16.19. Same--Application deposit.

If the applicant is not the owner of the premises for which sewer service is requested or is not purchasing the premises with a deed of trust or other encumbrance, and has not otherwise established his credit, the director of public works shall require a cash deposit at the time of application. Such deposit shall be in an amount equal to that of the average billing for a customer accounts of a similar nature but not less than one dollar. (Ord. No. 464, § 5.)

Sec. 16.20. Liability for service; joint applications by two or more persons.

After sewer service has commenced, the service applicant shall be liable for payment for all sewage discharged through that particular service and all other charges applicable to such service. Whenever two or more persons jointly make application for service, they shall receive a single periodic bill but shall be jointly and individually liable for payment of all charges appearing on such bills. (Ord. No. 464, § 5.)

Sec. 16.21. Limiting quantity of sewage discharged by industrial users.

The director of public works shall have the right to limit the total quantity of sewage to be discharged by industrial users and to establish the times and the rates of discharge at which sewage may be accepted or will be discharged by such users, although a limit or maximum use may or may not appear on the application or permit for sewer service. Should conditions seem to warrant the limiting of sewer service the director of public works shall be guided by but not restricted to:

- (A) The past seasonal discharge at the premises.
- (B) The effect of current discharge on other sewer users, and
- (C) The effect of current discharge on the sewerage system facilities. (Ord. No. 464, § 5.)

Sec. 16.22. Grounds for refusal or discontinuance of service--
By director of public works.

The director of public works shall have the right to refuse sewer service or may discontinue service to any premises for the following reasons:

- (A) To protect the city and/or the sewerage system from fraud and abuse.
- (B) The requested sewer service demand may be detrimental or injurious to the sewer service of other users.
- (C) The collection and disposal facilities are inadequate to supply the requested sewer service demand. (Ord. No. 464, § 5.)

Sec. 16.23. Same--By sewer division; disconnection and re-connection charges.

The sewer division may discontinue service without notice to any premises where the use of the sewer thereon by apparatus, appliances, or equipment or otherwise is found by the sewer division to be detrimental or injurious to sewer service furnished to other sewer users.

The sewer division may discontinue sewer service without

notice to any sewer user when it is discovered the customer has obtained sewer service for unauthorized use. The sewer division shall not restore service until the customer has complied with all rules and regulations of the sewer division and the sewer division has been reimbursed for the full amount of the service rendered and the actual cost to the sewer division incurred by reason of such fraudulent use.

A sewer users service may be discontinued for nonpayment for the bill for sewer service furnished if the bill is not paid within thirty days after presentation.

A sewer users service may be discontinued for nonpayment of a bill for sewer service furnished at a previous or different location served by the sewer division if the bill is not paid within thirty days after presentation at the new location.

No sewer service will be discontinued hereunder until at least fifteen days written notice to the customer has been given as provided in section 16.11.

The sewer division shall charge for disconnecting and restoring sewer service for noncompliance with any of these rules, the charges for which will be calculated on the basis of: Actual cost of materials, the standard labor rates of the city, and fifteen per cent of all charges for overhead. (Ord. No. 464, § 6.)

Sec. 16.24. Connections--To sewerage system required.

All buildings within the city limits in which any sewage is produced and from which the nearest outlet of the plumbing system of such building can be connected to a public sewer by installation of a sewer service line lying entirely within the premises on which such building is situated, and any public easement of not more than two hundred feet in length shall dispose of such sewage only through the sewerage system. Every building so located and in which any sewage is produced shall be required to connect such building to the sewerage system within thirty days from the date the owner of such building receives written notice from the sewer division that a sewer main located within the distance specified above is completed and available for connection to such building. The city hereby declares that further maintenance or use of cess-pools or other local means of sewage disposal for any building so located shall constitute a public nuisance and may invoke any legal or the police power to abate same. (Ord. No. 464, § 8.)

Sec. 16.25. Same--Application for service connection.

No person whose premises are not now connected with the sewerage system shall connect any premises or cause any premises to be connected to the sewerage system without first obtaining approval from the director of public works to do so. (Ord. No. 464, § 8.)

Sec. 16.26. Same--Standard sewer service connection.

The standard sewer service connection shall be the minimum required to provide service to a single family dwelling, but in no case shall a service line less than four inches internal diameter be connected to the sewerage system. If a larger connection is requested the same may be installed provided other sewer users are not thereby deprived of adequate service. (Ord. No. 464, § 8.)

Sec. 16.27. Same--Other than standard connection.

Whenever a sewer service connection or revision is requested for other than a standard connection, the director of public works shall determine the minimum size of the service to be installed. Such determination shall be based on the applicable sections of the Plumbing and Building Codes and requirements of the state department of public health or authority having jurisdiction. (Ord. No. 464, § 8.)

Sec. 16.28. Same--Charges for new service connections.

The tax collector shall collect the following connection charges for each structure requiring installation of a new sewer service connection.

(A) Service Area A

1. Residential service connection:

Minimum fee per structure	\$ 165.00
Single family residences	165.00
Two family structure	300.00
Three or more family structure	300.00
plus \$115.00 per family in excess of two.	

Multi-family structures housing four or more families may be considered commercial if so desired by the owner.

2. Commercial service connection:

Commercial structures shall be charged on a per-unit basis for installed or "roughed-in" units in accordance with the following schedule:

Minimum fee for structure	\$ 165.00
Per automatic clothes washer	40.00
Per automatic dishwasher	40.00
Per bathtub	15.50
Per bed pan washer	40.00
Per dental chair	15.50
Per drains--floor	8.00
Per drinking fountain or electric cooler	8.00
Per laundry tray	12.50
Per laundry tray and sink combination	12.50
Per lavatory--regular and dental	8.00
Per lavatory--surgeons	12.50
Per sink--clinic, service flushing ring	40.00
Per sink--kitchen, laboratory, slop, surgeon..	15.50
Per shower--stall	15.50
Per toilet--flush valve	40.00
Per toilet--flush tank	20.00
Per urinal--flush valve	20.00
Per urinal--flush tank	12.50
Per wash fountain (54" diameter).....	15.50

3. Industrial service connection:

Industrial structures shall be charged rates established by city council action in each individual case.

(B) Service Area B

1. Residential service connection:

Minimum fee per structure	\$ 250.00
Single family residences	250.00
Two family structure	435.00
Three or more family structure	435.00
plus \$155.00 per family in excess of two.	

Multi-family structures housing four or more families may be considered commercial if so desired by the owner.

2. Commercial service connection:

Commercial structures shall be charged on a per-unit basis for installed or "roughed-in" units in accordance with the following schedule:

Minimum fee per structure	\$ 250.00
Per automatic clothes washer	40.00
Per automatic dishwasher	40.00
Per bathtub	15.50
Per bed pan washer	40.00
Per dental chair	15.50
Per drains--floor	8.00
Per drinking fountain or electric cooler	8.00
Per laundry tray	12.50
Per laundry tray and sink combination	12.50
Per lavatory--regular and dental	8.00
Per lavatory--surgeons	12.50
Per sink--clinic, service flushing ring	40.00
Per sink--kitchen, laboratory, slop, surgeon	15.50
Per shower--stall	15.50
Per toilet--flush valve	40.00
Per toilet--flush tank	20.00
Per urinal--flush valve	20.00
Per urinal--flush tank	12.50
Per wash fountain (54" diameter)	15.50

3. Industrial service connection:

Industrial structures shall be charged rates established by city council action in each individual case. (Ord. No. 464, § 8; Ord. No. 584, § 4.)

Sec. 16.29. Same--Payment of charges in advance.

Charges for new service connections, in size changes and location changes for the sewer user's benefit shall be due and actually paid before any work is commenced. Whenever such charges are to be the actual costs, the estimated costs shall be deposited with the commercial office before any work is commenced or material ordered, and upon completion of the work the actual cost shall be billed or refunded to the sewer user. (Ord. No. 464, § 8.)

notice shall be charged against the person engaged in such work. All costs involved in the removal or displacing of sewer facilities shall be paid by the person engaged in such work, except where provisions of county or state encroachments permits or city permits or contracts state otherwise. (Ord. No. 464, § 10.)

Sec. 16.44. Service extension and expansion outside city limits.

Anything in this chapter to the contrary notwithstanding, the extension and expansion of sewer service outside of the city limits, may be made only upon the express approval of the city council. (Ord. No. 464, § 10.)

Sec. 16.45. Sewer connection credit.

In the event that a building is demolished which is connected with the city sewer system and a new or different building is constructed or placed upon the site upon which such demolished building was located, then a full credit shall be allowed on the sewer connection fee required under section 16.28 for each sewer connection to the demolished building which is utilized in the new or different building. In no event shall a cash refund be made by the city. The credit herein established shall be not allowed for new or different buildings constructed or placed prior to June 9, 1965. (Ord. No. 569, § 2.)

CHAPTER 17.

STREETS AND SIDEWALKS.¹

1. For state law as to Improvement Act of 1911, see Sts. & H. C. A., §§ 5000 to 6794. As to Municipal Improvement Act of 1913, see Sts. & H. C. A., §§ 10000 to 10609. As to Street Improvement Act of 1913, see Sts. & H. C. A., §§ 7000 to 7142, 7144 to 7476.

As to construction of sidewalks, curbs and gutters as prerequisite to issuance of building permit, see §§ 6.6 to 6.14 of this Code. As to transportation of garbage and rubbish along streets and alleys, see § 10.16. As to throwing or depositing garbage, rubbish or refuse in streets, gutters, etc., see § 10.19. As to injuring streets by use of motor vehicles, see § 13.5. As to trees along streets and sidewalks generally, see § 21.3 et seq.

Streets and Sidewalks

Article I. In General.

- Sec. 17.1. Obstructing streets or sidewalks; holding meetings on streets or sidewalks; parades.
17.2. Datum plane--Use to establish grades for streets and sidewalks.
17.3. Grades at street intersections; curbing at street intersections; grade line of curb.
17.4. Slope of sidewalks.

Article II. Excavations.

- Sec. 17.5. Permit--Required.
17.6. Same--Application; deposit or bond to be given city; issuance.
17.7. Return of deposit or cancellation of bond required by article.
17.8. Prerequisites to issuance of certificate of compliance by superintendent of streets.
17.9. Responsibility of excavator for defects appearing within one year.

Article III. Numbering Buildings.

- Sec. 17.10. System adopted.
17.11. Duty of owner or occupant to number building.
17.12. Numbering of building to be at expense of owner or occupant.
17.13. Notice to correct numbering of building--Personal delivery; posting on buildings.
17.14. Same--Notice posted on building to remain until building correctly numbered.
17.15. Size and location of numbers.
17.16. Retention of incorrect numbers.

Article I. In General.Sec. 17.1. Obstructing streets or sidewalks; holding meetings on streets or sidewalks;² parades.

It shall be unlawful within the limits of the city, except as hereinafter provided, for two or more persons to obstruct the sidewalks or streets, or to hold meetings thereon, or public celebrations therein, or to parade in a body through the public streets without first obtaining written permission therefor from a majority of the members of the city council; provided, further, that all permits issued by a majority of the members of the city council hereunder, shall designate the time when, and the particular locality at which any meetings may be held, and the time when and the streets upon which any parade may be conducted. (Ord. No. 255, § 1.)

2. As to congregations in public places generally, see § 14.3 of this Code.

Sec. 17.2. Datum plane³--Use to establish grades for streets and sidewalks.

All grades for streets and sidewalks within the city shall be referred to and established from a common reference or datum plane, which grade shall be defined as zero, and above which all elevations shall be given in feet and decimals of a foot. (Ord. No. 14, § 1.)

3. As to datum plane generally, see § 1.14 of this Code.

Sec. 17.3. Grades at street intersections; curbing at street intersections; grade line of curb.

Grades shall be established at all street inter-

sections, and at such points between as may be advisable. The lesser grade shall be defined as meaning the grade of the curb line. At street intersections each curb shall be carried around the corner on a level until opposite the property line in either direction, and the grade established at such corner shall be understood as referring to the length of these level portions. The grade line of the curb shall be an unbroken line between adjacent points on the curb when the grade thereof has been established. (Ord. No. 14, § 3.)

Sec. 17.4. Slope of sidewalks.

Sidewalks shall slope upward and away from the curb at the rate of one quarter of an inch for every foot of width. (Ord. No. 14, § 4.)

Article II. Excavations.

Sec. 17.5. Permit--Required.

It shall be unlawful for any person to dig, drill or otherwise break the surface of any street, alley or other roadway or sidewalk in the city without first obtaining a permit to do so, prior to the beginning of any such digging, drilling or otherwise breaking, from the superintendent of streets, or his authorized deputy. (Ord. No. 417, § 1.)

Sec. 17.6. Same--Application; deposit or bond to be given city; issuance.

An application, in writing, must be filed with the superintendent of streets, and upon receipt of such application the superintendent of streets shall make an

inspection of the surface to be broken, measure the extent of the aperture and set forth such measurements and location on the permit, which permit shall require the applicant to deposit with the city clerk an amount equal to one dollar per square foot of the aperture, or the execution of a corporate surety bond in a form approved by the city attorney in an equal amount to the city conditioned for the faithful performance of the requirements set forth in this article, and then such permit shall be issued by the superintendent of streets or his deputy. (Ord. No. 417, § 2.)

Sec. 17.7. Return of deposit or cancellation of bond required by article.

The amount so deposited in accordance with the provisions of section 17.6 of this Code will be returned to the applicant, or the bond cancelled within ninety days after the completion of the requirements set forth herein and after an inspection of the work by the superintendent of streets and the issuing of his certificate showing that requirements herein set forth have been complied with. (Ord. No. 417, § 3.)

Sec. 17.8. Prerequisites to issuance of certificate of compliance by superintendent of streets.

Before the certificate mentioned in section 17.7 of this Code shall be issued, the applicant shall have refilled and repaved the excavation in accordance with the following specifications:

(a) GENERAL: Except as otherwise specified, all materials and all methods of construction shall conform with the Standard Specifications, Division of Highways, Department of Public Works, State of California, dated August, 1954, hereinafter called the "Standard Specifications".

(b) BACKFILLING TRENCHES: The trench backfill shall be either settled with water or compacted with machine tamping equipment.

If the trench backfill is settled with water, the trench shall be filled with excavated material and thoroughly jetted with water and puddled with a long stick or iron bar. After the backfill has become dry and stable, the fill shall be brought up to subgrade with fine, drier material and compacted with a road roller, the rear wheels of a truck loaded with five tons, or machine tamping equipment until the relative compaction of the subgrade to the depth of six inches shall be not less than ninety-five per cent (Section 6, Chapter II b 1 of the Standard Specifications).

If the trench backfill is compacted with machine tamping equipment, the backfill up to the subgrade shall have a relative compaction of not less than ninety per cent (Section 6 Chapter II b 1 of the Standard Specifications). The relative compaction of the subgrade to a depth of six inches shall be not less than ninety-five per cent (Section 6, Chapter II b 1 of the Standard Specifications).

(c) REPAVING TRENCHES: Where there is a street with an existing plant-mixed surfacing or asphaltic concrete pavement, the trench shall be paved with six inches of Portland cement concrete and two inches of plant-mixed surfacing.

Where there is a street with an existing seal coat, armour coat, road mix or any other type of pavement that is bituminous in nature, regardless of the condition or state of repair, the trench shall be paved with six inches of untreated base and two inches plant-mixed surfacing.

Where there is a street that has a rock surfacing

on it, regardless of the condition or state of repair, the trench shall be paved with six inches of untreated base.

Portland cement concrete shall conform to the requirements of Section 26 a,b,c,d,e,f,g,h,i,j and k of the Standard Specifications. Concrete shall be Class B concrete containing five sacks of Portland cement per cubic yard of concrete.

Plant-mixed surfacing shall conform to the requirements of Section 20, Chapter I ab (Type A plant-mixed surfacing) and c, Chapter II a (200-300 paving asphalt shall be used), and b (1/2" maximum size mineral aggregate), Chapter III a,b,c, Chapter IV a, Chapter V a (in advance of spreading plant-mixed surfacing, a prime coat of asphalt paint binder shall be applied to the base and vertical sides of the adjoining existing pavement), Chapter VI (a tandem type power roller shall be used), Chapter VII a and Chapter VIII a of the Standard Specifications.

The untreated base shall conform to the requirements of Section 16 a,b,c,d, the untreated base shall be compacted with a road roller, the rear wheels of a truck loaded with five tons or machine tamping equipment until the relative compaction is not less than ninety-five per cent (Section 6, Chapter II b 1 of the Standard Specifications). (Ord. No. 417, § 4.)

Sec. 17.9. Responsibility of excavator for defects
appearing within one year.

The acceptance of the work by the superintendent of streets or his deputy or the city council shall not relieve the applicant of responsibility for faulty materials or workmanship, and he shall remedy any defects thereto and pay for any damage to other work resulting therefrom which shall appear within a period of one year

from the date of acceptance by the city. The remedying of any defects shall include the bringing to grade the settlement of any trenches and the repairing of any paving. The city shall give notice of observed defects with reasonable promptness. (Ord. No. 417, § 5.)

Article III. Numbering Buildings.

Sec. 17.10. System adopted.

The buildings and houses along the lines of the streets of the city shall be numbered after the following system:

(a) Numbering blocks. The city shall be blocked off into numbering blocks by north and south and east and west lines as nearly parallel as practicable and all as shown on the map or diagram constructed for this purpose, which map is now on file in the office of the city clerk and is entitled "Official Numbering Map of the City of Vacaville."

(b) Numbers allotted to each block. Each numbering block so determined shall be allowed one hundred numbers; fifty on each side of the street and the numbers so allotted shall be assigned on a frontage basis proportionate to the length of the numbering block on the street; provided, however, that where the length of any numbering block is such that the frontage per number will be less than seven and one-half feet, then and in that event only, numbers may on residential streets be assigned in such a manner that there shall be but one number available for each seven and one-half feet of such frontage.

(c) Direction of numbering. All numbering west of West Street shall be done from the east toward the west; east of West Street, from the west toward the east; north

of Sacramento, Callen and North Streets, from the south toward the north, and south of Sacramento, Callen and North Streets, from the north toward the south, and each such numbered block shall commence with the number so shown on the map or diagram.

(d) Numbering on streets generally. All streets beginning at any range or row of blocks shall begin with the number of that range, and all streets beginning or ending within any range or row of blocks shall begin or end with the number for the proportionate distance from the range as determined from adjacent parallel streets.

(e) Odd numbers on north and east; even numbers on south and west. All numbers on the north and east lines of all streets shall be the odd numbers, and all numbers on the south and west lines of all streets shall be the even numbers, and the odd numbers and the even numbers shall alternate from side to side, making the numbers on opposite sides of the street as nearly equal as practical; provided, however, that irregular streets running in a general southerly or easterly direction shall be numbered continuously, the odd numbers being maintained on one side of the street throughout its entire length regardless of the points of the compass, and the even numbers being maintained on the other side of such street.

(f) Numbering on noncontinuous or irregular streets. Certain streets which are noncontinuous or irregular and are particularly designated on the map or diagram as such shall be blocked and numbered on a unit system, that is, commencing with number one and continuing into the hundreds as required. The assignment of numbers on these particular streets shall be on a frontage basis proportionate to length of the numbering blocks on such particular streets as determined or shown on the map or diagram; provided, however, that where the length of the frontage to be numbered is such that the frontage per number will be less than ten feet, then and in that event

only, numbers may be assigned in such a manner that there will be but one number available for each ten feet of such frontage.

(g) Streets numbered on unit system. Streets numbered on the unit system shall insofar as practicable, have even numbers on the right-hand side of the street and the odd numbers on the left-hand side of the street, starting with the number "one" where the street begins and continuing throughout the length of the street. A street shall be considered as beginning at the line where it branches off from a principal street or in cases where either end of such street might be construed as the point of beginning, the street shall be considered as beginning at the line where it branches from the most logical feeding street, the direction of the numbering thereof to be as indicated upon the official numbering map.

(h) Curved streets. The distances per number on curved streets or portions thereof shall, wherever practicable, be determined from proportionate division along the center line of the streets or portions thereof and the frontage per number on either side of such street or portions thereof shall be determined by normal projection from the center line of the street to the property line. (Ord. No. 274, § 1.)

Sec. 17.11. Duty of owner or occupant to number building.

It shall be the duty of every person owning, occupying or controlling any building or house fronting on a public street within the limits of the city to obtain from the city clerk the correct number of the building or house, and to number the same, or cause the same to be numbered correctly and in accordance herewith, within thirty days after the final passage of the ordinance comprising this article⁴ and it shall be the duty of any person owning, occupying or controlling any building hereafter erected within the

limits of the city to so obtain the correct number and to so number the same within fifteen days after its completion or occupancy. (Ord. No. 274, § 2.)

4. Editor's note.--The ordinance comprising this article was passed on April 5, 1938.

Sec. 17.12. Numbering of building to be at expense of owner or occupant.

All buildings or houses must be numbered at the expense of the owner, occupant or person in control thereof. (Ord. No. 274, § 3.)

Sec. 17.13. Notice to correct numbering of building--
Personal delivery; posting on buildings.

In case any building or house within the limits of the city shall be incorrectly numbered or the number thereof shall have become defaced or illegible, it shall be the duty of the owner or occupant thereof to cause the same to be numbered correctly within ten days after notification, so to do, given by or under the direction of the city clerk. The notice may be served by leaving a copy thereof at the building or house in charge of any person, addressed "to the owner or occupant of the building or house" or may be given by posting such notice on the door or at the entrance way of the building. (Ord. No. 274, § 4.)

Sec. 17.14. Same--Notice posted on building to remain
until building correctly numbered.

No person shall deface, remove or destroy any notice so posted in accordance with section 17.13 of this Code until the building on which the same is posted has been correctly and properly numbered. (Ord. No. 274, § 5.)

Sec. 17.15. Size and location of numbers.

All numbers shall be at least two inches in height and placed upon or immediately above the entrance to the building; provided, however, where such location is impracticable numbers may be placed in other locations but must be visible. All numbers must be placed so as to be readily seen from the street by persons approximately in front of the building or house to which the numbers apply. (Ord. No. 274, § 6.)

Sec. 17.16. Retention of incorrect numbers.

In cases where buildings or houses are incorrectly numbered and correct numbers have been assigned under the direction of the city clerk as provided in section 17.13 of this Code, the owner or occupant or person in control of the building may, in addition to placing the correct number, retain the incorrect number for a period of ninety days after the notice has been served, but such incorrect number so retained shall be clearly designated as "old" or "formerly". (Ord. No. 274, § 7.)

CHAPTER 18.

SUBDIVISIONS.⁵

5. For state law as to subdivisions generally, see B. & P. C., §§ 11000 to 11709. For requirement that each city adopt an ordinance regulating subdivisions, see B. & P. C., §§ 11525, 11526.

As to city planning commission generally, see §§ 2.18 to 2.20 of this Code. As to Zoning Ordinance, see the Appendix.

- Sec. 18.1. Purpose of chapter.
18.2. Planning commission--Advisory agency.
18.3. Same--Powers and duties.
18.4. Compliance with requirements when selling, offering to sell, etc., subdivision.
18.5. Definitions.
18.6. Tentative map.
18.7. Final map.
18.8. General regulations and design.
18.9. Improvements.
18.10. Exceptions.
18.11. Appeal.
18.12. Enforcement.
18.13. Short title.

Sec. 18.1. Purpose of chapter.

This chapter is enacted for the purpose of adopting subdivision regulations for the city. (Ord. No. 451, § 1; Ord. No. 573, § 1.)

Sec. 18.2. Planning commission--Advisory agency.

The planning commission of the city, hereinafter referred to as the planning commission, is hereby designated as the advisory agency with respect to subdivisions as provided in the Subdivision Map Act⁶ of the state. (Ord. No. 451, § 1; Ord. No. 573, § 1.)

6. See B. & P. C., §§ 11500 to 11640.

Sec. 18.3. Same--Powers and duties.

The planning commission shall have all the powers and duties with respect to tentative and final maps, and the procedure relating thereto which are specified by law and by this chapter. (Ord. No. 451, § 1; Ord. No. 573, § 1.)

Sec. 18.4. Compliance with requirements when selling, offering to sell, etc., subdivision.

It shall be unlawful for any individual, firm, association, syndicate, co-partnership, corporation, trust or any other legal entity, as a principal, agent or otherwise, to offer to sell, to contract to sell or to sell any subdivision of land or any part thereof in the city, unless and until all the requirements hereinafter provided have been complied with. (Ord. No. 451, § 1; Ord. No. 573, § 1.)

Sec. 18.5. Definitions.

The following definitions shall apply in the interpretation of this chapter:

Long-term land lease. Any land lease of five years or over excluding leases for all agricultural uses.

Map Act. The Subdivision Map Act of the state.⁷

Owner. The individual, firm, association, syndicate, co-partnership or corporation having sufficient proprietary interest in the land sought to be subdivided to commence and maintain in proceedings to subdivide the same under this chapter.

Streets:

(a) Major streets (arterial). A street which has been designated by its design and location with reference to other streets and other sources of traffic, as primarily for heavy and dense traffic by the city.

(b) Secondary streets (collector). A street which is or will, because of its design and location with reference to other streets and other sources of traffic, be used to carry traffic from minor streets to the system of major streets, highways and freeways, and includes the principal entrance streets of residence developments and streets for circulation of traffic within such developments.

(c) Minor streets. A street which serves only the abutting property.

(d) Cul-de-sac. A minor street terminating in a turnaround.

(e) Loop street. A minor street which forms a loop and returns to the same street from which it originated. A street forming a connection between two other streets is not considered a loop street.

(f) Street. An improved public or private right of way providing access to abutting property.

All definitions contained in Article 1, Chapter 2 of the Map Act are made a part of this chapter. (Ord. No. 451, § 2; Ord. No. 573, § 1.)

7. See B. & P. C., §§ 11500 to 11640.

Sec. 18.6. Tentative map.

1. Filing; approval; plans and reports.

(a) Filing. Sixteen copies of a tentative map and statement of the proposed subdivision of any land shall be filed with the planning secretary at least fifteen days prior to the meeting of the planning commission, at which consideration is desired, together with a filing fee of twenty-five dollars. The accompanying statement shall specify the date of the planning commission meeting at which consideration is requested. The date of filing with the planning secretary shall be considered the date of filing with the planning commission.

(b) Department approval. The planning secretary shall transmit copies of such tentative map to other departments, public agencies and public utilities having any interest therein, as he deems advisable. Upon receipt of a copy of such tentative map, each department to whom, or to which, the same has been transmitted, shall examine such map to ascertain if same conforms to the requirements coming within the authoritative scope of such department, and within ten days after receipt thereof, each department shall make a written report to the planning secretary. If such map conforms to the requirements coming within its authorized scope, such department shall so state within its report to the planning secretary. If such map does not conform to such requirements, or any of them, such department shall so state in such report, noting therein the particulars in which such map does not conform.

(c) Presenting plans and reports; action by planning commission. The planning secretary shall present the plans and the written reports mentioned above to the planning commission at the meeting during which the proposed subdivision is to

be considered. The planning commission shall take definite action on the tentative map within forty days of the filing date unless the subdivider agrees in writing to a time extension.

(d) Size. Tentative maps shall be twenty-four by thirty-six inches in size and to a scale of one inch equals fifty feet unless otherwise approved by the city engineer, and shall be clearly and legibly reproduced.

2. Information on map. The tentative map shall contain the following information concerning the proposed subdivision and the existing conditions in and around it.

(a) The subdivision name or number, date, north point, scale and sufficient description to define the location and the boundaries of the proposed subdivision.

(b) Name and address of record owner or owners of such subdivision.

(c) Name and address of the subdivider.

(d) Name, business address and number of the registered civil engineer, or licensed surveyor, who prepared the map of such subdivision.

(e) Elevations and contours at intervals of two feet referred to city datum, to determine slope of the land and high and low points thereof, unless approval is obtained from the city engineer to allow greater intervals.

(f) The locations, **names**, widths and approximate grades of all roads, streets, highways and ways in the proposed subdivision and along the boundaries thereof.

(g) **Approximate** lot layout and approximate dimensions and area of each lot and each to be numbered.

(h) The outline of any existing buildings and a notation whether such buildings are to remain or be removed, and their location in relation to existing or proposed street and lot lines.

(i) Approximate location of all areas subject to inundation or storm water overflow, and the location, width, direction of flow and highwater elevation of all water courses.

3. Information in statement. The statement to accompany

map shall contain the following information:

- (a) Existing use or uses, of the property.
- (b) Proposed use of property. If property is proposed to be used for more than one purpose, the lots or blocks proposed for each use shall be clearly defined.
- (c) Statement of the improvements and public utilities, including water supply and sewerage disposal, proposed to be made or installed, and of the time at which such improvements are proposed to be completed in relation to the time of filing the final map of the area.
- (d) Public areas proposed.
- (e) Tree planting proposed.
- (f) Restrictive covenants proposed.
- (g) Justification and reasons for any exceptions to provisions of this chapter.

4. Planning commission approval.

- (a) The planning commission shall determine whether the tentative map is in conformity with the provisions of law and of this chapter, and now or hereinafter required by law shall appear on the final map. Such certificates may be combined where appropriate.
- (b) The planning commission may require the subdivider to dedicate suitable areas for parks and playgrounds, and hold out of subdivision areas for schools and other public building sites that will be required for the use of the population which is intended to occupy the subdivision under the plan of proposed property uses therein. In all cases the planning commission shall suggest to the subdivider such measures as will make for excellence of residential, commercial or industrial development.
- (c) The planning commission may refuse to approve a tentative map when the only practical use which can be made of the property proposed to be subdivided is a use prohibited by ordinance or law, or if the property is deemed unhealthful or unfit for human habitation or occupancy by the health officer of the city.

5. Improvement plans and profiles. Following the approval of the tentative map, the subdivider shall furnish the director of public works the following information; provided, it has not been previously required.

- (a) The plan and profile of each street, with tentative grades and typical street cross sections, showing the width of roadways, right-of-way, location and width of side-walks, curb and gutter.
- (b) A plan and profile of proposed sanitary sewers, storm drains and culverts, with grades and sizes, indicated.
- (c) Proposed location of drainage structures, culverts, sewer manholes and other utility lines.
- (d) Other specific improvement information necessary to show all proposed public improvements.
- (e) Contract plans and specifications for improvements to be constructed within the subdivision as specified by section 18.9 of this chapter. (Ord. No. 451, § 3; Ord. No. 573, § 1.)

Sec. 18.7. Final map.

1. Filing. Within one year after approval or conditional approval of the tentative map, the subdivider shall cause the subdivision, or any part thereof, to be surveyed and a final map thereof prepared in conformance with the tentative map as approved or conditionally approved. Six blue line prints of the final map and title sheet and four prints of eight and one-half inches by eleven inches size shall be filed with the city engineer together with a checking fee of ten dollars plus one dollar per lot shown on the final map, which map shall be checked by the office of the city engineer. An extension of time for filing of the final map may be granted by the city council upon recommendation by the planning commission, provided written application is made by the subdivider within one year after action on tentative map. After recordation of the final map, a duplicate tracing of the recorded document and two blue line prints shall be filed with the city engineer.

At the time of the filing of the final map with the city engineer, the subdivider shall also file therewith the following:

- (a) In the event any dedication is to be made for the public use, a preliminary title report issued by a title insurance company in the name of the owner of the land, issued to or for the benefit and protection of the city, showing all parties whose consent is necessary of their interests therein.
- (b) The instrument prohibiting traffic over the side lines of a major highway, parkway, street or freeway, when and

if the same is required herein.

(c) Copies of sheets and drawings showing traverse closures, and the computation of all distances, angles and courses shown on the final map, ties to existing and proposed **monuments** and adjacent subdivisions.

(d) Two copies of the complete subdivision improvement plans as specified in section 18.9.

2. Form of final map.

(a) The final subdivision map shall be clearly and legibly drawn upon tracing cloth of good quality. All lines, letters, figures, certifications, acknowledgments and signatures on the title sheet and final map shall be made in black India ink. Typewriting or rubber stamps shall not be used. The map shall be so made and shall be in such condition when filed that good, legible blueprints and negatives can be made therefrom. The size of the sheets of tracing cloth shall be eighteen by twenty-six inches leaving a margin of two inches at the left edge and one inch at the other three edges of the sheets. The scale of the final map shall be one inch equals fifty feet.

(b) When the final map consists of more than two sheets excluding the title sheet, a key map showing the relation of the sheets shall be placed on sheet one. Every sheet comprising the map shall bear the scale, north point, legend, sheet number and number of sheets comprising the map.

(c) The map shall show clearly what stakes, monuments or other evidence where found on the ground to determine the boundaries of the subdivision. The adjoining corners of all adjoining subdivisions shall be identified by lot and block numbers, subdivision name and place of record, or other proper designation.

(d) Sufficient data must be shown to determine readily the bearing and length of every lot line, block line and boundary line. Dimensions of lots shall be given as total dimensions, corner to corner, and shall be shown in feet and hundredths of a foot. No ditto marks shall be used. Lots containing one acre or more shall show total acreage to nearest hundredth. Bearing and lengths of straight line, and radii and arc lengths for all curves as may be necessary to determine the location of the centers of curves and tangent points shall be shown. No lot shall be dimensioned to contain any part of any existing or proposed public right of way. The traverse of the exterior boundary and each lot and block shall close within a limit of error of one foot to ten thousand feet of perimeter.

(e) The map shall show the location and description of all monuments employed in making the survey of the subdivision.

(f) In addition, the final map shall be prepared in full compliance with the following requirements:

1. The final map shall show the line of high water in case the subdivision is adjacent to a stream, channel or any body of water, and also shall show any area subject to periodic inundation by water, or subject to land slide or subsidence.

2. The boundary of the subdivision shall be readily identifiable.

3. Streets and other rights-of-way. The maps shall show the border lines of all streets, the total width of all streets, the width of the portion being dedicated and the width of existing dedications; also the width of railroad rights-of-way, appearing on the map.

4. The map shall show the side lines of all easements to which the lots are subject. The easements must be clearly labeled and identified, and if already of record, its recorded reference given. If any easement is not definitely located of record, a statement of such easement must appear on the title sheet. Easements for storm drain, sewers and other purposes shall be denoted by fine dotted lines. The width of the easement and the length and bearings of the lines thereof, and sufficient ties thereto, definitely locating the easement with respect to the subdivision must be shown. If the easement is being dedicated by the map, it shall be properly referenced in the owner's certificates of dedication.

5. City boundary lines crossing or bounding the subdivision shall be clearly designated and referenced.

6. Lot numbers shall begin with the number "1" and continue consecutively without omission throughout the subdivision. North shall generally be up on the map.

7. The map shall also show all other data that is or may be required by law.

8. The final map shall particularly define, delineate and designate all lots intended for sale or reserved for private purposes, all parcels offered for dedication for any purpose, public or private, with all dimensions, boundaries and courses clearly shown and defined in every case. Parcels

offered for dedication but not accepted shall be designated by letter.

3. Certificates and tax bond. The following certificates and acknowledgments and all other now or hereinafter required by law shall appear on the final map. Such certificates may be combined where appropriate.

(a) A certificate signed and acknowledged by all parties having any record title interest in the land subdivided, consenting to the preparation and recordation of such map; provided, however, that the signatures of parties owning the following types of interests may be omitted if their names and the nature of their interests are set forth on the map:

1. Rights-of-way, easements or other interest, none of which can ripen into a fee.

2. Rights-of-way, easements or reversions which, by reason of changed conditions, long disuse or laches, appear to be no longer of practical use or value, and which signature it is impossible or impractical to obtain. In this case, a reasonable statement of the circumstances preventing the procurement of the signature shall be set forth on the map.

3. Any subdivision map including land originally patented by the United States or the state, under patent reserving interest to either or both of these entities, may be recorded under the provision of this chapter without the consent of the United States or the state thereto, or to dedication made thereon.

(b) Dedication certificate. A certificate signed and acknowledged as above, offering for dedication all parcels of land shown on the final map and intended for public use, except those parcels other than streets, which are intended for the exclusive use of the lot owners in the subdivision, their licensees, visitors, tenants and servants.

(c) Engineer's certificate. A certificate by the civil engineer or licensed surveyor responsible for the survey and final map. The signature of such civil engineer or surveyor unless accompanied by his seal must be attested.

(d) A certificate for execution by the city engineer.

(e) A certificate for execution by the city planning commission.

- (f) A certificate for execution by the city clerk.
- (g) A certificate for execution by the county clerk.
- (h) A certificate for execution by the county recorder.
- (i) A certificate for execution by the county auditor.

4. Action on final map.

(a) Approval by city engineer. Upon receipt of the final map and other data submitted therewith, the city engineer shall examine such to determine that the subdivision as shown is substantially the same as it appeared on the tentative map, and any approved alterations thereof; that all provisions of the law and this chapter applicable at the time of approval of the tentative map have been complied with, and that he is satisfied that the map is technically correct. If the city engineer shall determine that full conformity therewith has not been made, he shall advise the subdivider of the changes or additions that must be made for such purposes, and shall afford the subdivider an opportunity to make such changes or additions. If the city engineer shall determine that full conformity therewith has been made, he shall so certify on such map and shall transmit such map to the planning secretary.

(b) Approval of planning secretary. Upon submission of the final map by the city engineer, the planning secretary shall examine the same to determine whether such map conforms with the tentative map and with all changes permitted and all requirements imposed as a condition to its acceptance. If the planning secretary shall determine not to recommend such map, he shall advise the subdivider of the changes or additions that must be made for such purpose, and shall accord him an opportunity to make same. If the planning secretary shall thereupon determine that such map is in conformity therewith, he shall certify its approval thereon and shall transmit such map to the city clerk, together with any documents which may have been filed therewith for presentation to the city council.

(c) Approval by city council. Within twenty-one days of the filing of such map with the city clerk as aforesaid, the city council shall approve such map, the plan of subdivision and the offers of dedication. When the subdivider shall have filed with the city clerk the agreement and bond, or made the deposit described in subsection 5 of this section, and when such agreement and bond shall have been approved by the city attorney, as to form, and by the city engineer as to sufficiency, the city clerk shall transmit the final map to the subdivider

who will cause such map to be recorded by the county recorder. No map shall have any force or effect until the same has been approved by the city council.

5. Agreement and bond for improvements. Prior to filing such map with the city clerk, the subdivider shall execute and file an agreement between himself and the city, specifying the period within which he or his agent or contractor shall complete all improvement work to the satisfaction of the city engineer, and providing that if he shall fail to complete such work within such period, the city may complete the same and recover the full cost and expense thereof from the subdivider.

The agreement may also provide (a) for the construction of the improvements in units, and (b) for an extension of time under conditions therein specified.

The subdivider shall also file with the aforesaid agreement, to assure his full and faithful performance thereof, a labor, material and performance bond for such sum as is by the city engineer deemed sufficient to cover the costs of such improvements, engineering, inspection and incidental expenses, and to cover replacement and repair of existing streets and other improvements damaged in the development of the subdivision. Such bond shall be executed by a surety company approved by the city attorney authorized to transact a surety business in the state on a form furnished by the city and must be satisfactory to and approved by the city attorney as to form and by the city engineer as to sufficiency. In lieu of such bond, the subdivider may deposit with the city treasurer cash money in an amount as aforesaid by the city engineer.

In the event the subdivider shall fail to complete all improvement work in accordance with the provisions of this chapter and the city shall have completed same, or if the subdivider shall fail to reimburse the city for the costs of inspection, engineering and incidental expenses, and to cover cost of replacement and repair of existing streets or other improvements damaged in the development of the subdivision, the city shall call on the surety for reimbursement, or shall appropriate from any cash deposits funds for reimbursement. In any such case, if the amount of surety bond or cash deposit shall exceed all cost and expense incurred by the city, it shall release the remainder of such bond or cash deposit, and if the amount of the surety bond or cash deposit shall be less than the cost and expense incurred by the city, the subdivider shall be liable to the city for any such difference. (Ord. No. 451, § 4; Ord. No. 525, § 1; Ord. No. 573, § 1.)

Sec. 18.8. General regulations and design.

1. Streets and highways design. The street and highway design shall conform both in width and alignment to any master plan of streets and highways approved by the city council and right-of-way for any street or highway indicated on the master plan shall be dedicated.

The street and highway design shall conform to any proceedings affecting the subdivision, which may have been initiated by the city council or approved by such council upon initiation by other legally constituted bodies of the city, county or state. If a parcel of land to be subdivided includes a portion of the right-of-way to be acquired for a public street or highway, and the city council shall determine the boundaries of the right of way to be acquired, the subdivider shall be required to include such streets or highways in the design of the subdivision.

2. General design conditions.

(a) Alignment with existing streets. All streets shall, as far as practicable, be in alignment with existing adjacent streets by continuations of the center lines thereof, or by adjustments by curves, and shall be in general conformity with the plans of the planning commission for the most advantageous development of the area in which the subdivision lies.

(b) Streets to intersect at right angles. Streets shall be required to intersect one another at an angle as near to a right angle as is practicable in each specific case.

(c) Dead-end streets. Where necessary to give access to or permit a satisfactory future subdivision of adjoining land, streets shall extend to the boundary of the property and the resulting dead-end streets may be approved without a turn-around; provided, that control of access across such dead-end street shall be vested in the city. In all other cases a turn-around right-of-way having a minimum radius of fifty feet shall be required.

(d) Intersection corner rounding. On all street intersections, the property line at each block corner shall be rounded with a curve having a radius of not less than twenty feet. A greater curve radius may be required if streets intersect other than at right angles.

(e) Curve radius. The center line radius on all streets and highways shall conform to accepted engineering

standards of design and shall be subject to approval by the city engineer.

(f) Grades of streets and highways. No street or highway shall have a grade of more than twelve per cent unless, because of topographical conditions or other exceptional conditions, the city engineer determines that a grade in excess of twelve per cent is necessary.

(g) Reserved strips. Reserved strips controlling the access to public ways or minimizing values for special improvement assessments will not be approved unless such strips are necessary for the protection of the public welfare or of substantial property rights, or both, and in no case unless the control and disposal of the land comprising such strips is placed definitely within the jurisdiction of the city under conditions approved by the city council.

3. Streets and highway widths. Streets and highways not shown on any master street and highway plan, or not affected by proceedings initiated by the city council or approved by the city council, upon initiation by other legally constituted governmental bodies, shall not be less width than those set forth hereunder, except where it can be shown by the subdivider, to the satisfaction of the planning commission and the city council, that the topography of the small number of lots served and the probable future traffic development are such as to unquestionably justify a narrower width. Increased widths may be required where streets are to serve commercial property or where probable traffic conditions warrant such. Approval or determination of street or highway classification shall be made by the planning commission.

(a) Major streets or highways--Minimum right-of-way: Eighty-four feet. Minimum curb to curb width sixty-four feet.

(b) Secondary (collector) streets or highways--minimum right-of-way: Sixty feet. The planning commission may require up to eighty-four feet where street may become a major street at some future date. Minimum curb to curb width forty feet.

(c) Minor streets--minimum right-of-way: Fifty feet. Minimum curb to curb width thirty-six feet.

(d) Cul-de-sac streets and service roads--minimum right-of-way: Fifty feet. Minimum curb to curb width thirty-six feet.

4. Service roads and off-street parking. When lots proposed for commercial usage front any major or secondary street or highway, the subdivider shall be required to dedicate and improve a service road to provide ingress or egress to and from such lots or in lieu thereof, if approved by the planning commission, the subdivider may dedicate for public use and improve an area approved by the planning commission and adjacent to such lots for off-street parking purposes. When the front of any lots proposed for residential usage front on any freeway, state highway or parkway, the subdivider shall dedicate and improve a service road at the front of such lots, unless such is already existent as a part of such freeway or parkway. In addition to any requirement for a service road, the planning commission may require adequate off-street parking areas for all lots proposed for commercial usage.

5. Non-access and planting strips. When the rear of any lots border any major or secondary street, highway or parkway, the subdivider may be required to execute and deliver to the city an instrument, deemed sufficient by the city attorney, prohibiting the right of ingress and egress to the rear of such lots across the side lines of such streets or highways. When the rear of any lots border any freeway, state highway or parkway, the subdivider may be required to dedicate and improve a planting strip adjacent to such parkway or freeways.

6. Alleys. When any lots are proposed for commercial or industrial usage, alleys at least twenty feet in width improved their full width shall be required at the rear thereof with adequate ingress and egress for truck traffic.

7. Street names. All street names shall be as approved by the planning commission.

8. Acre or large lot subdivision. Where a parcel is subdivided into lots of one acre or more, the planning commission may require that the blocks shall be of such size and shape, and be so divided into lots, as to provide for the extension and opening of streets and alleys at such intervals as will permit a subsequent division of any parcel into lots of normal size.

9. Easements. The subdivider shall dedicate easements not less than five feet in width for public utility, sanitary sewer and drainage purposes on each side of rear lot lines, along side lot lines and in planting strips wherever necessary; provided, easements of lesser width may be allowed when at the determination of the city engineer and any public utility company affected shall prescribe the width of such easements. Easements for overhead wire lines shall be provided at the rear of all lots, except where alleys are available, and in contiguous locations to permit anchorage, line continuity,

ingress and egress. Dedication of easements shall be to the city for the purpose of installing utilities, planting strips and for other public purposes as may be ordered or directed by the city council.

10. Lots.

(a) The size and shape of lots shall be in conformance to any zoning regulations effective in the area of the proposed subdivision and shall not be less than the regulations specified therein. The planning commission may recommend the granting of exception to this provision where there are unusual topographical conditions, curved or cul-de-sac streets or other special conditions. In unclassified districts, the planning commission shall specify the size and shape of all lots in conformity with the use proposed and approved by such planning commission.

(b) The side lines of all lots, so far as possible, shall be at right angles to the street which the lot faces; or radial, or approximately radial, if the street is curved.

(c) Divided lots. No lot shall be divided by a city boundary line.

(d) Lots without frontage on a public street will not be permitted.

(e) Lots, other than corner lots, may front on more than one street only where necessitated by topographical or other unusual conditions.

11. Walkways. The subdivider may be required to dedicate and improve walkways across long blocks or to provide access to school, park or other public areas.

12. Water courses. The subdivider shall, subject to riparian rights, dedicate a right-of-way for storm drainage purposes conforming substantially with the lines of any natural water course or channel, stream or creek that traverses the subdivision, or at the option of the subdivider, provide by dedication further and sufficient easements or construction or both, to dispose of such surface and storm water. The council may require adequate fencing of all ditches and streams when it is in the public interest.

13. Master plan. In all respects, the subdivison will be considered in relation to the master plan of the city, or any part thereof, or proposed master plans made in anticipation thereof.

14. Land subject to inundation. If any portion of any land, within the boundaries shown on any final map, is subject to overflow, inundation or flood hazard by storm waters, such fact and such portion shall be clearly shown on such final map enclosed in a border on each sheet of such map, and further adequate storm drain system or levees, dikes and pumping systems shall be provided. (Ord. No. 451, § 5; Ord. No. 573, § 1.)

Sec. 18.9. Improvements.

1. Standards and approval. All improvements hereinafter mentioned shall conform to those required in the "Standard Specifications" prepared by the director of public works and adopted by the city council, copies of which are on file in the office of the city clerk and the city engineer.

(a) Grading and improvement work shall not be commenced until plans and profiles for such work have been submitted to and approved by the city engineer. Such plans shall be required before approval of the final map. All such plans and profiles shall be prepared in accordance with requirements of the city engineer. All plans and profiles shall be prepared by a registered civil engineer.

(b) Grading and improvement work shall not be commenced until the city engineer has been notified in writing seven days in advance and if work has been discontinued for any reason, it shall not be recontinued until the city engineer has been notified.

(c) All required improvements shall be constructed under the inspection of and to approval of the city engineer. Cost of inspection shall be paid by the subdivider as established by the city council.

(d) All underground utilities, sanitary sewers, storm drains and culverts installed in streets, service roads, alleys or highways, shall be constructed prior to the surfacing of such streets, service **roads**, alleys or highways. Service connections for all underground utilities and sanitary sewers shall be placed to such lengths as will obviate the necessity for disturbing the street or alley improvements when service connections thereto are made. Roadway subdrains shall be installed when requested by the city engineer prior to placing of the rock base.

(e) The subdivider, his engineer and his contractor shall develop plans and complete all improvement work in accordance with the provisions of this chapter and to the approval of the city engineer.

2. General requirements. The subdivider shall install improvements in accordance with the general requirements set forth in this section; provided, that the city engineer may require changes in typical section and details if unusual conditions due to soil conditions arise during construction to warrant such change; such changes to be at the expense of the subdivider.

(a) Streets and highways. All streets and highways shall be graded and paved to cross sections and grades approved by the city engineer. The subdivider shall improve the extension of all subdivision streets, highways or public ways to the intercepting paving line of any county road, city street or state highway, and as necessary shall "match in" to the existing improvements.

(b) Structures. Structures shall be installed as deemed necessary by the city engineer, for drainage, access or public safety; such structures to be placed to grades and to be of a design approved by the city engineer.

(c) Sidewalks, curbs and gutters. Curbs, gutters and sidewalks shall be installed to grades, cross section and layout approved by the city engineer.

(d) Sewers. Sanitary sewer facilities connecting with the existing city sewer system shall be installed to serve each lot and to grades, locations, design and sizes approved by the city engineer. Storm water sewers shall be installed as required by the city engineer.

(e) Water. Water mains, layout and locations shall be approved by the city engineer.

(f) Fire hydrants. Fire hydrants shall be installed of a design, layout and location approved by the city engineer and fire chief.

(g) Street trees. Street trees shall be required and shall be of the type approved by the city engineer, and planted on locations approved by the city engineer.

(h) Street signs. Street signs shall be required and shall be of a type approved by the city engineer and installed in locations approved by him. A minimum of one street sign assembly shall be installed at each intersection.

(i) Street lights. Street lights shall be required of a type corresponding to the requirements of the standard specification of the city and installed in a location approved by the city engineer.

(j) Railroad crossings. Provision shall be made for any and all railroad crossings necessary to provide access to or circulation within the proposed subdivision, including the preparation of all documents necessary for application to the state public utilities commission for the establishment and improvement of such crossing. The cost of such railroad crossing improvement shall be borne by the subdivider.

(k) Markers. Permanent markers of a type approved by the city engineer shall be set at each boundary corner of the subdivision.

(l) Monuments. Concrete monuments depressed below street grade with cast iron ring and cover of a type approved by the city engineer shall be set at intersections of street centerlines and at ends of centerline curves. The exact location of all such monuments shall be shown on the final map before approval is requested.

(m) Bench marks. Permanent elevation bench marks of a type approved by the city engineer and referred to the city datum shall be set at each street intersection. Monuments specified in subparagraph (l) above shall normally be utilized as bench marks.

(n) Replacing monuments or bench marks. Any monument or bench mark, as required by this chapter, that is disturbed or destroyed before acceptance of all improvements, shall be replaced by the subdivider to the satisfaction of the city engineer.

(o) Field notes. Complete field notes in a form satisfactory to the city engineer, showing references, locations, elevations and other necessary data relating to bench marks set in accordance with the requirements of this chapter, shall be submitted to the city engineer.

(p) Setting monuments and bench marks. Monuments and bench marks shall be set before acceptance of the improvements by the city council, unless prior acceptance is recommended by the city engineer and approved by the city council.

(q) Marking extension of property lines. In addition to the monuments required by other sections of this chapter, the subdivider shall cause the extension of property lines between lots to be marked on the back edge of the sidewalk by chipping or otherwise permanently marking the sidewalk.

3. Improvement plans. Before final acceptance of the subdivision, one blue line print and one brown line tracing of

the as-built improvement plans shall be submitted to the city engineer. The maximum trimmed size of these plans shall be thirty-six by twenty-four inches. (Ord. No. 451, § 6; Ord. No. 573, § 1.)

Sec. 18.10. Exceptions.

1. Application. The planning commission may recommend that the city council authorize additional exceptions to any of the requirements and regulations set forth in this chapter. Application for any such exception shall be made by a petition of the subdivider, stating fully the grounds of the application and the facts relied upon by the petitioner. Such petition shall be filed with the tentative map of the subdivision. In order for the property referred to in the petition to come within the provisions of this section, it shall be necessary that the planning commission shall find the following facts with respect thereto:

(a) That there are special circumstances or conditions affecting such property, such as adverse topographic conditions.

(b) That the exception is necessary for the preservation and enjoyment of a substantial property right of the petitioner.

(c) That the granting of the exception will not be detrimental to the public welfare or injurious to other property in the vicinity in which such property is situated.

2. Planning commission action. In recommending such exceptions, the planning commission shall secure substantially the objectives of the regulations to which the exceptions are granted, as to light, air and the public health, safety, convenience and general welfare.

In recommending the authorization of any exception under the provisions of this section, the planning commission shall report to the city council its findings with respect thereto, and all facts in connection therewith, justifying such exceptions, and shall specifically and fully set forth the exception recommended and the conditions designated.

3. City council action. Upon receipt of such report, the city council may, by resolution, authorize the planning commission to approve the tentative map with the exceptions and conditions the city council deems necessary to substantially secure the objectives of this chapter. (Ord. No. 451, § 7; Ord. No. 573, § 1.)

Sec. 18.11. Appeal.

1. Notice. Appeal may be made to the city council from any decision, determination or requirement of the planning commission, planning secretary or city engineer, by filing a notice thereof in writing with the city clerk within ten days after such decision or determination or requirement is made. Such notice shall set forth in detail the action and the ground by and upon which the subdivider deems himself aggrieved.

2. Action on appeal. The city council, within twenty-one days following the filing of such appeal, shall hear **such appeal**, and such hearing may for good cause be continued by order of the city council. Upon the hearing of such appeal, the city council may overrule or modify the decision, determination or requirement appealed from, and enter any such order or orders as are in harmony with the spirit and purpose of this chapter, and such disposition of the appeal shall be final. (Ord. No. 451, § 8; Ord. No. 573, § 1.)

Sec. 18.12. Enforcement.

All departments, officials and public employees of the city vested with the duty or authority to issue permits or licenses shall conform to the provisions of this chapter, and shall issue no permit or license for uses, buildings, or purposes in conflict with the provisions of this chapter; and any such permit or license issued in conflict with the provisions of this chapter shall be null and void. It shall be the duty of the city engineer to enforce the provisions of this chapter, pertaining to the subdivision of land, or any part thereof, in the city, unless and until all of the requirements hereinbefore provided have been complied with. (Ord. No. 451, § 10; Ord. No. 573, § 1.)

Sec. 18.13. Short title.

This chapter shall be known and cited as the "Subdivision Ordinance" of the city. (Ord. No. 451, § 11; Ord. No. 573, § 1.)

(a) That there are special circumstances or conditions affecting such property, such as adverse topographic conditions.

(b) That the exception is necessary for the preservation and enjoyment of a substantial property right of the petitioner.

(c) That the granting of the exception will not be detrimental to the public welfare or injurious to other property in the vicinity in which said property is situated.

2. Planning commission action. In recommending such exceptions, the planning commission shall secure substantially the objectives of the regulations to which the exceptions are granted, as to light, air, and the public health, safety, convenience and general welfare.

In recommending the authorization of any exception under the provisions of this section, the planning commission shall report to the city council its findings with respect thereto, and all facts in connection therewith, justifying such exceptions, and shall specifically and fully set forth the exception recommended and the conditions designated.

3. City council action. Upon receipt of such report, the city council may, by resolution, authorize the planning commission to approve the tentative map with the exceptions and conditions the city council deems necessary to substantially secure the objectives of this chapter. (Ord. No. 451, § 7.)

Sec. 18.11. Appeal.

1. Notice. Appeal may be made to the city council from any decision, determination or requirement of the planning commission, subdivision committee, or city engineer, by filing a notice thereof in writing with the city clerk within ten days after such decision or determination or requirement is made. Such notice shall set forth in detail the action and the ground by and upon which the subdivider deems himself aggrieved.

2. Action on appeal. The city council, within fifteen days following the filing of the appeal, shall hear such appeal, and such hearing may for good cause be continued by order of the city council. Upon the hearing of the appeal, the city council may overrule or modify the decision, determination or requirement appealed from, and enter any such order or orders as are in harmony with the spirit and purpose

of this chapter, and such disposition of the appeal shall be final. (Ord. No. 451, § 8.)

Sec. 18.12. Enforcement.

All departments, officials and public employees of the city vested with the duty or authority to issue permits or licenses shall conform to the provisions of this chapter, and shall issue no permit or license for uses, buildings, or purposes in conflict with the provisions of this chapter; and any such permit or license issued in conflict with the provisions of this chapter shall be null and void. It shall be the duty of the city engineer of the city to enforce the provisions of this chapter pertaining to the subdivision of land, or any part thereof, in the city, unless and until all of the requirements hereinbefore provided have been complied with. (Ord. No. 451, § 10.)

Sec. 18.13. Short title.

This chapter shall be known and cited as the "Subdivision Ordinance" of the city. (Ord. No. 451, § 11.)

CHAPTER 19.

TAXATION⁷

7. For state law as to sales and use taxes generally, see Rev. & Tax. C. A., §§ 6001 to 7176.

As to director of finance generally, see §§ 2.15 to 2.17 of this Code.

- Sec. 19.1. Purpose of chapter.
19.2. Contract with state prerequisite to effectiveness of chapter.
19.3. Sales tax generally.
19.4. Use tax generally.
19.5. Adoption of amendments to state law.
19.6. Injunction, etc., against collection of taxes.
19.7. Suspension of existing sales and use tax ordinance.

Taxation

- Sec. 19.8. Assessment and collection of taxes by county--
Transfer from city to county.
- 19.9. Same--Transfer of certain duties of city treasurer to county treasurer.
- 19.10. Same--Agreement as to compensation to be paid county.
- 19.11. Same--Abolition of office of city assessor; transfer of duties.

Sec. 19.1. Purpose of chapter.

The city council hereby declares that this chapter is adopted to achieve the following, among other, purposes, and directs that the provisions hereof be interpreted in order to accomplish those purposes:

(a) To adopt sales and use tax regulations which comply with the requirements and limitations contained in Part 1.5 of Division 2 of the Revenue and Taxation Code of the state;

(b) To adopt sales and use tax regulations which incorporate provisions identical to those of the Sales and Use Tax Law of the state insofar as those provisions are not inconsistent with the requirements and limitations contained in Part 1.5 of Division 2 of the Revenue and Taxation Code;

(c) To adopt sales and use tax regulations which impose a nine tenths of one per cent tax and provide a measure therefor that can be administered and collected by the state board of equalization in a manner that adapts itself as fully as practical to, and requires the least possible deviation from, the existing statutory and administrative procedures followed by the state board of equalization in administering and collecting the state sales and use taxes;

(d) To adopt sales and use tax regulations which can be administered in a manner that will, to the degree possible consistent with the provisions of Part 1.5 of Division 2 of the Revenue and Taxation Code, minimize the cost of collecting city sales and use taxes and at the same time minimize the burden of record keeping upon persons subject to taxation under the provisions of this chapter. (Ord. No. 402, § 2; Ord. No. 426, § 1; Ord. No. 479, § 1.)

Sec. 19.2. Contract with state prerequisite to effectiveness of chapter.

This chapter shall become operative on January 1, 1958, and prior thereto the city shall contract with the state board of equalization to perform all functions incident to the administration and operation of these sales and use tax regulations; provided, that if the city shall not have contracted with the state board of equalization, as above set forth, prior to January 1, 1958, this chapter shall not be

operative until the first day of the first calendar quarter following the execution of such a contract by the city and by the state board of equalization; provided, further, that this chapter shall not become operative prior to the operative date of the Uniform Local Sales and Use Tax Ordinance of the county. (Ord. No. 402, § 3; Ord. No. 426, § 1.)

Sec. 19.3. Sales tax generally.

(A) (1) Imposition and amount of tax. For the privilege of selling tangible personal property at retail a tax is hereby imposed upon all retailers in the city at the rate of nine tenths of one per cent of the gross receipts of the retailer from the sale of all tangible personal property sold at retail in the city on and after the operative date of this chapter.

(2) Sales deemed consummated at place of delivery. For the purposes of this chapter, all retail sales are consummated at the place of business of the retailer unless the tangible personal property sold is delivered by the retailer or his agent to an out-of-state destination or to a common carrier for delivery to an out-of-state destination. The gross receipts from such sales shall include delivery charges, when such charges are subject to the state sales and use tax, regardless of the place to which delivery is made. In the event a retailer has no permanent place of business in the state or has more than one place of business, the place or places at which the retail sales are consummated shall be determined under rules and regulations to be prescribed and adopted by the board of equalization.

(B) (1) Adoption of state sales tax law. Except as hereinafter provided, and except insofar as they are inconsistent with the provisions of Part 1.5 of Division 2 of the Revenue and Taxation Code, all of the provisions of Part 1 of Division 2 of such code, as amended and in force and effect on January 1, 1958, applicable to sales taxes are hereby adopted and made a part of this section as though fully set forth herein.

(2) Substitution of terms. Wherever, and to the extent that, in Part 1 of Division 2 of the Revenue and Taxation Code, the state is named or referred to as the taxing agent, the city shall be substituted therefor. Nothing in this subsection shall be deemed to require the substitution of the name of the city for the word "state" when that word is used as part of the title of the state controller, the state treasurer, the state board of control, the state board of equalization or the

name of the state treasury, or of the Constitution of the state; nor shall the name of the city be substituted for that of the state in any section when the result of that substitution would require action to be taken by or against the city or any agency thereof, rather than by or against the state board of equalization, in performing the functions incident to the administration or operation of this chapter; and neither shall the substitution be deemed to have been made in those sections, including, but not necessarily limited to, sections referring to the exterior boundaries of the state, where the result of the substitution would be to provide an exemption from this tax with respect to certain gross receipts which would not otherwise be exempt from this tax while those gross receipts remain subject to tax by the state under the provisions of Part 1 of Division 2 of the Revenue and Taxation Code; nor to impose this tax with respect to certain gross receipts which would not be subject to tax by the state under the provisions of that code; and, in addition, the name of the city shall not be substituted for that of the state in sections 6701, 6702 (except in the last sentence thereof), 6711, 6715, 6737, 6797 and 6828 of the Revenue and Taxation Code as adopted.

(3) Seller's permit requirements. If a seller's permit has been issued to a retailer under Section 6068 of the Revenue and Taxation Code, an additional seller's permit shall not be required by reason of this section.

(4) Exclusions from gross receipts. There shall be excluded from the gross receipts by which the tax is measured:

(i) The amount of any sales or use tax imposed by the state upon a retailer or consumer.

(ii) Receipts from sales to operators of common carriers and water-borne vessels of property to be used or consumed in the operation of such common carriers or water-borne vessels principally outside of the city. (Ord. No. 402, § 4; Ord. No. 426, § 1; Ord. No. 479, § 2.)

Sec. 19.4. Use tax generally.

(A) Imposition and amount of tax. An excise tax is hereby imposed on the storage, use or other consumption in the city of tangible personal property purchased from any retailer on or after the operative date of this chapter, for storage, use or other consumption in the city at the rate of nine tenths of one per cent of the sales price of the property. The

sales price shall include delivery charges when such charges are subject to state sales or use tax regardless of the place to which delivery is made.

(B) (1) Adoption of state use tax law. Except as hereinafter provided, and except insofar as they are inconsistent with the provisions of Part 1.5 of Division 2 of the Revenue and Taxation Code, all of the provisions of Part 1 of Division 2 of such code, as amended and in force and effect on January 1, 1958, applicable to use taxes are hereby adopted and made a part of this section as though fully set forth herein.

(2) Substitution of terms. Wherever, and to the extent that, in Part 1 of Division 2 of the Revenue and Taxation Code of the state the state is named or referred to as the taxing agency, the name of this city shall be substituted therefor. Nothing in this subsection shall be deemed to require the substitution of the name of this city for the word "state" when that word is used as part of the title of the state controller, the state treasurer, the state board of control, the state board of equalization, or the name of the state treasury, or of the Constitution of the state; nor shall the name of the city be substituted for that of the state in any section when the result of that substitution would require action to be taken by or against the city or any agency thereof rather than by or against the state board of equalization, in performing the functions incident to the administration or operation of this chapter; and neither shall the substitution be deemed to have been made in those sections, including but not necessarily limited to, sections referring to the exterior boundaries of the state, where the result of the substitution would be to provide an exemption from this tax with respect to certain storage, use or other consumption of tangible personal property which would not otherwise be exempt from this tax while such storage, use or other consumption remains subject to tax by the state under the provisions of Part 1 of Division 2 of the Revenue and Taxation Code, or to impose this tax with respect to certain storage, use or other consumption of tangible personal property which would not be subject to tax by the state under the provisions of that code; and in addition, the name of the city shall not be substituted for that of the state in Sections 6701, 6702 (except in the last sentence thereof), 6711, 6715, 6737, 6797 and 6828 of the Revenue and Taxation Code as adopted, and the name of the city shall not be substituted for the word "state" in the phrase "retailer engaged in business in this state" in Section 6203 nor in the definition of that phrase in Section 6203.

(3) Exemptions from use tax. There shall be exempt from the tax due under this section:

(i) The amount of any sales or use tax imposed by the state upon a retailer or consumer.

(ii) The storage, use or other consumption of tangible personal property, the gross receipts from the sale of which has been subject to sales tax under a sales and use tax ordinance enacted in accordance with Part 1.5 of Division 2 of the Revenue and Taxation Code by any city and county, county, or city in this state.

(iii) The storage or use of tangible personal property in the transportation or transmission of persons, property or communications, or in the generation, transmission or distribution of electricity or in the manufacture, transmission or distribution of gas in intrastate, interstate or foreign commerce by public utilities which are regulated by the public utilities commission of the state.

(iv) The use or consumption of property purchased by operators of common carriers and water-borne vessels to be used or consumed in the operation of such common carriers or water-borne vessels principally outside the city. (Ord. No. 402, § 5; Ord. No. 426, § 1; Ord. No. 479, §§ 5, 6.

Sec. 19.5. Adoption of amendments to state law.

All amendments of the Revenue and Taxation Code enacted subsequent to the effective date of this chapter which relate to the sales and use tax and which are not inconsistent with Part 1.5 of Division 2 of the Revenue and Taxation Code shall automatically become a part of this chapter. (Ord. No. 402, § 6; Ord. No. 426, § 1.)

Sec. 19.6. Injunction, etc., against collection of taxes.

No injunction or writ of mandate or other legal or equitable process shall issue in any suit, action or proceeding in any court against the state or the city, or against any officer of the state or the city, to prevent or enjoin the collection under this chapter, or

Part 1.5 of Division 2 of the Revenue and Taxation Code, of any tax or any amount of tax required to be collected. (Ord. No. 402, § 7; Ord. No. 426, § 1.)

Sec. 19.7. Suspension of existing sales and use tax ordinance.

At the time this chapter goes into operation,⁸ the provisions of Ordinance Number 331 shall be suspended and shall not again be of any force or effect until and unless for any reason the state board of equalization ceases to perform the functions incident to the administration and operation of the sales and use tax hereby imposed; provided, however, that if for any reason it is determined that the city is without power to adopt this chapter or that the state board of equalization is without power to perform the functions incident to the administration and operation of the taxes imposed by this chapter, the provisions of Ordinance Number 331 shall not be deemed to have been suspended, but shall be deemed to have been in full force and effect at the rate of one per cent continuously from and after January 1, 1958. Upon the ceasing of the state board of equalization to perform the functions incident to the administration and operation of the taxes imposed by this chapter, the provisions of Ordinance Number 331 shall again be in full force and effect at the rate of one per cent. Nothing in this chapter shall be construed as relieving any person of the obligation to pay to the city any sales or use tax accrued and owing by reason of the provisions of Ordinance Number 331 in force and effect prior to and including December 31, 1957. (Ord. No. 402, § 8; Ord. No. 426, § 1.)

Editor's note.--The ordinance comprising this chapter was passed on December 3, 1957, and became effective immediately. The taxes imposed hereby became effective on January 1, 1958.

Sec. 19.8. Assessment and collection of taxes by county--
Transfer from city to county.

Pursuant to Article 1, Chapter 2, Title 5, Division 1, Part 2, of the Government Code of the State, the duties of the city treasurer of the assessment and tax collection duties ordinarily performed by the tax collector of the city are hereby transferred to the assessor and tax collector of the county. (Ord. No. 446, § 1.)

Sec. 19.9. Same--Transfer of certain duties of city treasurer
to county treasurer.

The duties of the city treasurer are hereby transferred to the county treasurer, only to the extent as shall be necessary for the payment by warrant on the county treasury to the city, of the net amount of the taxes of the city, after deduction of the county's compensation for the services of its treasurer, assessor and tax collector, as provided by section 51513, of Government Code of the state, and all duties of the city treasurer, excepting those herein specified, shall remain in the city treasurer and the office of city treasurer is not abolished. (Ord. No. 446, § 2.)

Sec. 19.10. Same--Agreement as to compensation to be paid
county.

The city council shall forthwith enter into an agreement with the board of supervisors of the county, pursuant to section 51514 of the Government Code of the state, fixing the compensation to be paid to the county for assessing and collecting taxes for the city. (Ord. No. 446, § 4.)

Sec. 19.11. Same--Abolition of office of city assessor;
transfer of duties.

The office of city assessor is hereby abolished and all of the duties of the city assessor, other than the duties of assessing the city property, are hereby transferred and shall be performed by the city clerk. (Ord. No. 446, § 3.)

CHAPTER 20.

TRAILERS, CAMP CARS AND TRAILER PARKS.⁹

9. For state law as to auto courts and parks, see H. & S. C. A., §§ 18000 to 18895. See also B. & P. C., §§ 17560 to 17568.

As to garbage, rubbish and refuse collection rates in trailer parks, see § 10.7 of this Code.

Sec. 20.1. Adoption of county ordinance.

Sec. 20.1. Adoption of county ordinance.

The city does hereby adopt all of the provisions of Solano County Ordinance Number 366 adopted by the board of supervisors of the county on the fourth day of January, 1954, and such ordinance is hereby adopted as an ordinance of the city regulating camp cars, trailers,

automobiles and trailer parks within the city; providing for the issuance of permits; providing penalties for the violation thereof and repealing all ordinances and parts of ordinances in conflict therewith, as such provisions, rules and regulations are set forth in such printed ordinance. Not less than three copies of which ordinance have been and now are on file in the office of the city clerk for use and examination by the public, to which such printed ordinance, reference is hereby made for further particulars. (Ord. No. 389, § 1.)

CHAPTER 21.

TREES.¹

1. For state law as to Tree Planting Act of 1931, see Sts. & H. C. A., §§ 22000 to 22202. See also, Sts. & H. C. A., § 5101. For authority of city to expend funds for planting shade trees, see Gov. C. A., § 40401. As to injuring shade or ornamental trees or plants, see Pen. C., § 622.

- Sec. 21.1. Short title.
- 21.2. Definitions.
- 21.3. Adoption of list of trees disapproved for planting within "control area".
- 21.4. Planting of trees near curb and sidewalk in "control area".
- 21.5. Removal of trees in "control area" generally.
- 21.6. Tree not to be planted within five feet of sewer.
- 21.7. Authority of superintendent of streets to trim or remove trees in public place or "control area".

- Sec. 21.8. Certain trees declared a nuisance; removal.
21.9. Appeals from administrative orders.
21.10. Abuse or mutilation of trees.
21.11. Expense of maintenance, planting or
removal of trees in "control area".

Sec. 21.1. Short title.

This chapter shall be known and may be cited as the "Tree Ordinance of the City of Vacaville". (Ord. No. 397, § 1.)

Sec. 21.2. Definitions.

For the purposes of this chapter, the following words and phrases shall have the meanings ascribed to them in this section:

(a) "Control area" is that area extending in from the street curb line to a point ten feet behind the inside edge of the public sidewalk; provided, that where no sidewalk exists, the control area shall be that area extending in from the street curb line to a point which would be ten feet behind the inside edge of the public sidewalk if it were in existence.

(b) "Planning Commission" is the planning commission of the city.

(c) "Superintendent of streets" is the city superintendent of streets of the city. (Ord. No. 397, § 2.)

Sec. 21.3. Adoption of list of trees disapproved for
planting within "control area".

The planning commission² shall by resolution adopt

a list of trees disapproved for planting within any control area, as defined in this chapter. Such resolution so adopted by the planning commission may be amended from time to time and such resolution so adopted or amended by the planning commission, after approval thereof by the city council shall be filed with the city clerk and the superintendent of streets, and copies thereof shall be made available to the public. (Ord. No. 397, § 3.)

2. As to planning commission generally, see §§ 2.18 to 2.20 of this Code.

Sec. 21.4. Planting of trees near curb and sidewalk in "control area".

No tree, shall by any person, be planted closer than five feet to the edge of any public sidewalk or thoroughfare or within the open space between the curb and sidewalk, except by written permission of the superintendent of streets, on approval of the planning commission.

Trees, except those disapproved by the planning commission, may be planted within the control area, but not closer than five feet to the inside edge of any public sidewalk, thoroughfare or easement. (Ord. No. 397, §§ 4,5.)

Sec. 21.5. Removal of trees in "control area" generally.

No tree from within the control area shall be removed by or at the instigation of any person other than a duly authorized officer, agent or employee of the city except under issuance of a permit therefor by the superintendent of streets who may require, as a condition of permitting removal of a tree, the planting, at the expense of the permittee, of a tree to replace the one removed. (Ord. No. 397, § 6.)

Sec. 21.6. Tree not to be planted within five feet of sewer.

No tree shall be planted within five feet of any public sanitary or storm sewer. (Ord. No. 397, § 7.)

Sec. 21.7. Authority of superintendent of streets to trim or remove trees in public place or "control area".

The superintendent of streets or his duly authorized representative, upon approval of the planning commission first had and obtained, may cause to be trimmed, pruned or removed, any trees in any public place or in the control area and failure to comply therewith after thirty days' notice by the superintendent of streets shall be deemed a violation of this chapter. (Ord. No. 397, § 8.)

Sec. 21.8. Certain trees declared a nuisance; removal.

Any tree or shrub growing in any public place, or in the control area, which is endangering the security or usefulness of any public street, sewer or sidewalk, is hereby declared to be a public nuisance, and the city may remove or trim such tree or shrub, or may require the property owner to remove or trim any such tree or shrub in the control area. Failure of the property owner to remove or trim such tree or shrub after thirty days' notice by the superintendent of streets, shall be deemed a violation of this chapter and the superintendent of streets may then remove or trim such tree or shrub. (Ord. No. 397, § 9.)

Sec. 21.9. Appeals from administrative orders.

Appeals from orders made pursuant to this chapter may be made by filing written notice thereof with the city clerk within ten days after such order is received, stating in substance that appeal is being made from such

order to the city council. The city clerk shall thereupon call such appeal to the attention of the city council at the next regular succeeding meeting, at which meeting the appellant and the superintendent of streets may present evidence. Action taken by the city council after such hearing shall be conclusive. (Ord. No. 397, § 10.)

Sec. 21.10. Abuse or mutilation of trees.

It shall be a violation of this chapter to abuse, destroy or mutilate any tree, shrub or plant in any public place, or to attach or place any rope or wire, (other than one used to support a young or broken tree), sign, poster, handbill or other thing to or on any tree growing in a public place, or to cause or permit any wire charged with electricity to come in contact with any such tree, or to allow any gaseous liquid or solid substance, which is harmful to such trees, to come in contact with their roots or leaves. (Ord. No. 397, § 11.)

Sec. 21.11. Expense of maintenance, planting or removal of trees in "control area".

Maintenance, planting or removal of any tree or shrub within the control area shall be at the expense of the property owner; provided, that when removal of any tree or shrub within the control area is ordered by the city, except in those cases covered under section 21.8 of this Code, such removal shall be at the expense of the city. (Ord. No. 397, § 12.)

CHAPTER 22.

TAXICABS.

- Sec.** 22.1. Definitions.
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- 22.3. Same--Filing of application and information to be shown.
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- 22.6. Same--Issuance or denial.
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- 22.17. Same--Display.
- 22.18. Same--Suspension and revocation.
- 22.19. Compliance with city, state and federal laws by licensed drivers.
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- 22.21. Display of owner's name and identifying scheme on outside of vehicle.
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- 22.23. Refusal to pay legal fare.
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- 22.26. Cruising prohibited.
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- Sec. 22.30. Call box stands--Establishment; use only by grantee.
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- 22.32. Over-all service to be provided; procedure upon failure to provide over-all service.
- 22.33. Manifests.
- 22.34. Accident reports.
- 22.35. Advertising.
- 22.36. Enforcement of chapter by police department.

Sec. 22.1. Definitions.

The following words and phrases when used in this chapter have the meanings as set out herein:

(a) Call box stand means a place alongside a street, or elsewhere where the city council of the city has authorized a holder of a certificate of public convenience and necessity to install a telephone or call box for the taking of calls and the dispatching of taxicabs, or to maintain a cab stand.

(b) Certificate means a certificate of public convenience and necessity issued by the city council of the city authorizing the holder thereof to conduct a taxicab business in the city.

(c) Cruising means the driving of a taxicab on the streets, alleys, or public places of the city in search of, or soliciting prospective passengers for hire.

(d) Driver's license means the permission granted by the chief of police to a person to drive a taxicab upon the streets of the city.

(e) Holder means a person to whom a certificate of public convenience and necessity has been issued.

(f) Manifest means a daily record prepared by a taxicab driver of all trips made by said driver showing time and place or origin, destination, number of passengers, and the amount of fare of each trip.

(g) Open stand means a public place alongside the curb of a street or elsewhere, in the city which has been designated by the city council of the city as reserved exclusively for the use of taxicabs.

(h) Person includes an individual, a corporation or other legal entity, a partnership, and any unincorporated association.

(i) Rate card means a card issued by the city council of the city for display in each taxicab which contains the rates of fare then in force.

(j) Taxicab means a motor vehicle regularly engaged in the business of carrying passengers for hire, having a seating capacity of less than eight persons and not operated on a fixed route.

(k) Waiting time means the time when a taxicab is not in motion from the time of acceptance of a passenger or passengers to the time of discharge, but does not include any time that the taxicab is not in motion if due to any cause other than the request, act or fault of a passenger or passengers. (Ord. No. 438, § 1.)

Sec. 22.2. Certificate of public convenience and necessity--
Required.

No person shall operate or permit a taxicab owned or controlled by him to be operated as a vehicle for hire upon the streets of the city without having first obtained a certificate of public convenience and necessity from the city council of said city. (Ord. No. 438, § 2.)

Sec. 22.3. Same--Filing of application and information to be
shown.

An application for a certificate of public convenience and necessity shall be filed, in duplicate, with the office of the city clerk upon forms provided by the city; and said application shall be verified under oath and shall furnish the following information:

(a) The name and address of the applicant.

(b) The financial status of the applicant, including the amounts of all unpaid judgments against the applicant and the nature of the transaction or acts giving rise to said judgments.

(c) The experience of the applicant in the transportation of passengers.

(d) Any facts which the applicant believes tend to prove that public convenience and necessity require the granting of a certificate.

(e) The number of vehicles to be operated or controlled by the applicant.

(f) The color scheme or insignia to be used to designate the vehicle or vehicles of the applicant.

(g) Such further information as the chief of police of the city may require. (Ord. No. 438, § 3.)

Sec. 22.4. Same--Transmittal of copy of application to chief of police.

On receipt of an application for a certificate of public convenience and necessity the city clerk shall immediately forward a copy thereof to the chief of police. (Ord. No. 438, § 4.)

Sec. 22.5. Same--Hearings upon filing of applications.

Upon the filing of an application for a certificate of public convenience and necessity, the city clerk shall fix a time and place for a public hearing thereon. Notice of such hearing shall be given to the applicant and to all persons to whom certificates of public convenience and necessity have been theretofore issued. Any interested person may file with the city clerk a memorandum in support of or opposition to the issuance of a certificate. (Ord. No. 438, § 5.)

Sec. 22.6. Same--Issuance or denial.

If the city council finds that further taxicab service in the city is required by the public convenience and necessity and that the applicant is fit, willing, and able to perform such public transportation and to conform to the provisions of this chapter and the rules promulgated by the city council, then the chief of police shall issue a certificate stating the name and address of the applicant, the number of vehicles authorized under said certificate and the date of issuance; otherwise, the application shall be denied.

In making the above findings, the city council shall take into consideration the number of taxicabs already in operation, whether existing transportation is adequate to meet the public need, the probable effect of increased service on local traffic conditions, and the character, experience, and responsibility of the applicant. (Ord. No. 438, § 6.)

Sec. 22.7. Same--Transferability.

No certificate of public convenience and necessity may be sold, assigned, mortgaged or otherwise transferred. (Ord. No. 438, § 9.)

Sec. 22.8. Same--Suspension and revocation.

A certificate of public convenience and necessity issued under the provisions of this chapter may be revoked or suspended by the chief of police if the holder thereof has (a) violated any of the provisions of this chapter, (b) discontinued operations for more than ten days, (c) has violated any ordinances of the city or the laws of the United States or the State of California, the violations of which reflect unfavorably on the fitness of the holder to offer public transportation.

Prior to suspension or revocation, the holder shall be given notice of the proposed action to be taken and shall have an opportunity to be heard before the city council. (Ord. No. 438, § 10.)

Sec. 22.9. Liability insurance required.

No certificate of public convenience and necessity shall be issued or continued in operation unless there is in full force and effect a liability insurance policy issued by an insurance company authorized to do business in the State of California for each vehicle authorized in the amount of ten thousand dollars for bodily injury to or death of any one person; in the amount of twenty thousand dollars for injuries to or deaths of more than one person which are sustained in the same accident and five thousand dollars for property damage resulting from any one accident. A copy of every policy of insurance and renewals thereof shall be provided by applicant and filed with the chief of police. (Ord. No. 438, § 7.)

Sec. 22.10. License fees.

No certificate of public convenience and necessity shall be issued or continued in operation unless the holder thereof has paid a quarterly license fee of ten dollars and twenty-five cents (\$10.25) for the right to engage in the taxicab business and one dollar (\$1.00) each quarter for each vehicle operated under a certificate of public convenience and necessity. (Ord. No. 438, § 8.)

Sec. 22.11. Driver's license--Required.

No person shall operate a taxicab for hire upon the streets of the city, and no person who owns or controls a taxicab shall permit it to be so driven, and no taxicab licensed by the city shall be so driven at any time for hire, unless the driver of said taxicab shall have first obtained and shall have then in force a taxicab driver's license issued under the provisions of this chapter. (Ord. No. 438, § 11.)

Sec. 22.12. Same--Filing of application and fee to be paid.

An application for a taxicab driver's permit shall be filed with the chief of police on forms provided by the city. Such application shall be verified under oath and shall contain such information as the chief of police may require.

Each application shall be accompanied by a certificate from a reputable physician of the city certifying that, in his opinion, the applicant is not afflicted with any disease or infirmity which might make him an unsafe or unsatisfactory driver. At the time the application is filed the applicant shall pay to the chief of police the sum of one dollar. (Ord. No. 438, § 12.)

Sec. 22.13. Same--State chauffeur's license required.

Before any application for a driver's license is finally passed upon by the chief of police, the applicant shall show that he has a current motor vehicle chauffeur's license issued by the State of California. (Ord. No. 438, § 13.)

Sec. 22.14. Same--Investigation of applicant; traffic and police record to be attached to application.

The police department shall conduct an investigation of each applicant for a taxicab driver's license and a report of such investigation and a copy of the traffic and police record of the applicant, if any, shall be attached to the application for the consideration of the chief of police. (Ord. No. 438, § 14.)

Sec. 22.15. Same--Approval or rejection of application; right of hearing upon rejection.

The chief of police shall upon consideration of the application for a driver's license and the reports and certificate required to be attached thereto shall approve or reject the application. If the application is rejected, the applicant may request a personal appearance before the city administrator to offer evidence why his application should be reconsidered. (Ord. No. 438, § 15.)

Sec. 22.16. Same--Issuance; information to be shown; duration; annual fee.

Upon approval of an application for a taxicab driver's license the chief of police shall issue a license to the applicant which shall bear the name, address, color, age, signature and photograph of the applicant.

Such license shall be in effect for the remainder of the calendar year. A license for every calendar year thereafter shall issue upon the payment of one dollar unless the license for the preceding year has been revoked. (Ord. No. 438, § 16.)

Sec. 22.17. Same--Display.

Every driver licensed under this chapter shall post his driver's license in such a place as to be in full view of all passengers while such driver is operating a taxicab. (Ord. No. 438, § 17.)

Sec. 22.18. Same--Suspension and revocation.

The chief of police is hereby given the authority to suspend any driver's license issued under this chapter for a driver's failing or refusing to comply with the provisions of this chapter such suspension to last for a period of not more than twenty days. The chief of police is also given authority to revoke any driver's license for failure to comply with the provisions of this chapter. However, a license may not be revoked unless the driver has received notice and has had an opportunity to present evidence in his behalf before the city administrator. (Ord. No. 438, § 18.)

Sec. 22.19. Compliance with city, state and federal laws by licensed drivers.

Every driver licensed under this chapter shall comply with all city, state and federal laws. Failure to do so will justify the chief of police suspending or revoking a license. (Ord. No. 438, § 19.)

Sec. 22.20. Examination and inspection of vehicles; cleanliness and sanitary condition of vehicles.

(a) Examination and inspection of vehicles by police department; safety, etc., rules and regulations. Prior to the use and operation of any vehicle under the provisions of this chapter said vehicle shall be thoroughly examined and inspected by the police department and found to comply with such reasonable rules and regulations as may be prescribed by the chief of police. These rules and regulations shall be promulgated to provide safe transportation and shall specify such safety equipment and regulatory devices as the chief of police shall deem necessary therefor.

(b) Periodic inspections. Every vehicle operating under this chapter shall be periodically inspected by the police department at such intervals as shall be established by the chief of police to insure the continued maintenance of safe operating conditions.

(c) Vehicles must be kept in a clean and sanitary condition. Every vehicle operating under this chapter shall be kept in a clean and sanitary condition. (Ord. No. 438, § 20.)

Sec. 22.21. Display of owner's name and identifying scheme
on outside of vehicle.

Each taxicab shall bear on the outside the name of the owner; and, in addition, may bear an identifying design approved by the city council. No vehicle covered by the terms of this chapter shall be licensed whose color scheme, identifying design, monogram, or insignia to be used thereon shall, in the opinion of the city council, conflict with or imitate any color scheme, identifying design, monogram or insignia used on a vehicle or vehicles already operating under this chapter, in such a manner as to be misleading or tend to deceive or defraud the public; and provided further, that if, after a license has been issued for a taxicab hereunder, the color scheme, identifying design, monogram, or insignia thereof is changed so as to be, in the opinion of the city council, in conflict with or imitate any color scheme, identifying design, monogram, or insignia used by any other person, owner or operator, in such a manner as to be misleading or tend to deceive the public, the license of or certificate covering such taxicab or taxicabs shall be suspended or revoked. (Ord. No. 438, § 21.)

Sec. 22.22. Rates of fare; rate card.

The following rates shall be charged for the use of a taxicab:

First mile sixty cents, plus ten cents every one fifth mile thereafter.

Flat rates to specific points:

Medical facility	\$1.00 per trip
Nut Tree (employees)	\$1.00 per trip
Travis Air Force Base	\$3.25 per trip
Waiting charge	\$4.00 per hour

Delivery Service:

Meter reading plus fifteen cents.

Every taxicab operated under this chapter shall have a rate card setting forth the authorized rates of fare displayed in such a place as to be in view of all passengers. (Ord. No. 438, § 22; Ord. No. 489, § 1.)

Sec. 22.23. Refusal to pay legal fare.

It shall be unlawful for any person to refuse to pay the legal fare of any of the vehicles mentioned in this chapter after having hired the same, and it shall be unlawful for any person to hire any vehicle herein defined with intent to defraud the person from whom it is hired of the value of such service. (Ord. No. 438, § 23.)

Sec. 22.24. Solicitation of passengers.

No driver shall solicit passengers for a taxicab except when sitting in the driver's compartment of such taxicab or while standing immediately adjacent to the curb side thereof.

No driver shall solicit patronage in a loud or annoying tone of voice or by sign or in any manner annoy any person or obstruct the movement of any persons, or follow any person for the purpose of soliciting patronage.

No driver, owner, or operator shall solicit passengers at the terminal of any other common carrier, nor at any intermediate points along any established route of any other common carrier. (Ord. No. 438, § 24.)

Sec. 22.25. Manner of receiving and discharging passengers.

Drivers of taxicabs shall not receive or discharge passengers in the roadway but shall pull up to the right-hand sidewalk as nearly as possible or in the absence of a sidewalk, to the extreme right-hand side of the road and there receive or discharge passengers, except upon one way streets, where passengers may be discharged at either the right or left hand sidewalk, or side of the roadway in the absence of a sidewalk. (Ord. No. 438, § 24.)

Sec. 22.26. Cruising prohibited.

No driver of a taxicab shall cruise in search of passengers. (Ord. No. 438, § 24.)

Sec. 22.27. Additional passengers.

No taxicab driver shall permit any other person to occupy or ride in said taxicab, unless the person or persons first employing the taxicab shall consent to the acceptance of additional passenger or passengers. (Ord. No. 438, § 24.)

Sec. 22.28. Refusing to carry orderly persons prohibited.

No taxicab driver shall refuse or neglect to convey any orderly person or persons, upon request, unless previously engaged or unable or forbidden by the provisions of this chapter to do so. (Ord. No. 438, § 24.)

Sec. 22.29. Prohibited acts of drivers.

It shall be a violation of this chapter for any driver of a taxicab to solicit business for any hotel, motel or rooming house, or to attempt to divert patronage from one hotel, motel or rooming house to another. Neither shall such driver engage in selling intoxicating liquors or solicit business for any house of ill repute or use his vehicle for any purpose other than the transporting of passengers. (Ord. No. 438, § 24.)

Sec. 22.30. Call box stands--Establishment; use only by grantee.

(a) The city council is hereby authorized and empowered to establish call box stands upon the streets of the city in such places as in its discretion it deems proper. A holder desiring to establish a call box stand shall make written application to the chief of police. The applicant must attach to the application the written approval of the abutting property owners of said space, consenting to the creation of such stand. Upon filing of the application the police department shall make an investigation of the traffic conditions at said place and shall thereafter file their written recommendation to the city council. The city council shall then either grant or refuse the application. When a call box stand has been established as herein provided, it shall be used solely by the holder to whom the same was granted and his agents and servants and no other holder shall be permitted to use the same. (Ord. No. 438, § 25.)

Sec. 22.31. Same--Prohibited use by other vehicles.

Private or other vehicles for hire shall not at any time occupy the space upon the streets that has been established as call box stands. (Ord. No. 438, § 26.)

Sec. 22.32. Over-all service to be provided; procedure upon failure to provide over-all service.

All persons engaged in the taxicab business in the city operating under the provisions of this chapter shall render an over-all service to the public desiring to use taxicabs. Holders of certificates of public convenience and necessity shall maintain a central place of business and keep the same open twenty-four hours a day for the purpose of receiving calls and dispatching cabs. They shall answer all calls received by them for services inside the corporate limits of the city as soon as they can do so and if said services cannot be rendered within a reasonable time they shall notify the prospective passengers how long it will be before the said call can be answered and give the reason therefor. Any holder who shall refuse to accept a call anywhere in the corporate limits of the city at any time when such holder has available cabs; or who shall fail or refuse to give over-all service, shall be deemed a violator of this chapter and the certificate granted to such holder shall be revoked at the discretion of the city council. (Ord. No. 438, § 27.)

Sec. 22.33. Manifests.

Every driver shall maintain a daily manifest upon which are recorded all trips made each day, showing time and place of origin and destination of each trip and amount of fare and all such completed manifests shall be returned to the owner by the driver at the conclusion of his tour of duty. The forms for each manifest shall be furnished to the driver by the owner and shall be of a character approved by the chief of police.

Every holder of a certificate of public convenience and necessity shall retain and preserve all drivers' manifests in a safe place for at least the calendar year next preceding the current calendar year, and said manifests shall be available to the police department. (Ord. No. 438, § 28.)

Sec. 22.34. Accident reports.

All accidents arising from or in connection with the operation of taxicabs which result in death or injury to any person, or in damage to any vehicle, or to any property in an amount exceeding the sum of one hundred dollars, shall be reported within twenty-four hours from the time of occurrence to the police department. (Ord. No. 438, § 29.)

Sec. 22.35. Advertising.

Subject to the rules and regulations of the chief of police, it shall be lawful for any person owning or operating a taxicab or motor vehicle for hire to permit advertising matter to be affixed to or installed in or on such taxicabs or motor vehicles for hire. (Ord. No. 438, § 30.)

Sec. 22.36. Enforcement of chapter by police department.

The police department of the city is hereby given the authority and is instructed to watch and observe the conduct of holders and drivers operating under this chapter. Upon discovering a violation of the provisions of this chapter, the police department shall report the same to the chief of police, who will order to take appropriate action. (Ord. No. 438, § 31.)

CHAPTER 23.

WATER.

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23.25. Reselling and redelivery of water.
23.26. Contractual rates.
23.27. Service to annexable territory.

Sec. 23.1. Definitions.

The following terms when used in this chapter shall have the following meanings:

"Commercial office" shall mean the business office of the water division located in the City Hall of the city.

"Customer" shall mean any person, firm, corporation, or any public agency (including the State of California, the United States of America, or any public corporation, political subdivision, city, county, district or agency of any thereof, and the city or any agency of the city) receiving or taking water furnished by the water division.

"General metered service" shall mean the furnishing of water for domestic, commercial, industrial and governmental service; excepting industrial service as hereinafter defined.

"Industrial service" shall mean the furnishing of water to industrial customers who agree to take and/or pay for a contracted maximum rate of flow of not less than 200 gallons per minute.

"Meter rate service" shall mean the furnishing of water by measured quantities.

"Premises" shall mean any separate identifiable and transferable lot or parcel of real property, including the improvements thereon, excepting those portions thereof having well defined boundaries such as walls, fences or hedges which prevent the common use of the property by all occupants.

"Water division" shall mean that division of the public works department of the city designated to administer the water system of the Pacific Gas & Electric Company purchased by the city and being taken over by the city as of March 10, 1959. The term shall include the director of public works and other employees of the city serving in said water division.

"Water system" shall mean the water business purchased by the city from the Pacific Gas & Electric Company effective March 10, 1959, together with such additions and improvements thereto as may be made from time to time. (Ord. No. 435, § 1.)

Sec. 23.2. Service offered.

All water service shall be at meter rates as hereinafter set forth. In such cases as the city council may decide that it is in the best interest of the city, due to quantities to be furnished or times of delivery of water or other special circumstances, special contracts may be entered into whereby water is furnished at flat rates or special meter rates.

The water division will furnish water at consumer service connections at such pressure as may be available from time to time in the normal operation of the water division. (Ord. No. 435, § 2.)

Sec. 23.3. Rates and charges--Purposes for which levied; amounts.

For the purpose of providing funds (1) for payment at or before maturity of the principal of and interest on all water revenue bonds heretofore or hereafter issued by the city for the purpose of the acquisition, construction, improvement and financing of the water system, (2) for payment of the cost of additions to or improvement of the water system, (3) for payment of the cost of maintenance and operation of the water system, and thereafter (4) for any lawful purpose, there are hereby levied and assessed upon all premises connected with the city water system the water rates and charges herein set forth.

GENERAL METER RATE SERVICE

Quantity Rates:

First 1,600 cu. ft., or less	\$ 7.00
Next 4,400 cu. ft., per 100 cu. ft.....	.25
Next 14,000 cu. ft., per 100 cu. ft.....	.20
Over 20,000 cu. ft., per 100 cu. ft.....	.16

Minimum Charge:

For 5/8 by 3/4 inch meter.....	7.00
For 3/4 inch meter.....	10.00
For 1 inch meter.....	14.00
For 1-1/2 inch meter.....	26.00
For 2 inch meter.....	50.00
For 3 inch meter.....	100.00
For 4 inch meter.....	180.00

The monthly minimum charge will entitle the customer to the quantity of water which that minimum charge will purchase at the quantity rate.

INDUSTRIAL

Quantity Rate:

For all water supplied, per 100 cu. ft. \$.15

Minimum Charge:

For the first 200 gallons per minute of contracted
maximum rate of flow\$600.00

For each additional 100 gallons per minute of
contracted maximum rate of flow 30.00

The minimum charge shall be accumulative annually.

FIRE PROTECTION SERVICE

HYDRANT TYPE	RATES PER HYDRANT PER MONTH	
	City Hydrant	Private Hydrant
Wharf	\$ 4.00	\$ 3.00
Standard (single outlet)	4.00	3.50
Standard (double outlet)	4.00	4.50
Standard (triple outlet)	4.00	6.50

Fire protection sprinkler system connections will be billed as standard triple outlet hydrants.

OUTSIDE RATES: (Meter Service Charge)

Every customer being supplied water from the water system to premises outside the city limits shall pay in addition to the charges above listed a \$6.00 bi-monthly meter service charge. (Ord. No. 435, § 3; Ord. No. 555, § 2.)

Sec. 23.4. Same--Discontinuance of water service upon failure to pay bills.

A customer's water service may be discontinued for non-payment of the bill for water service furnished if the bill is not paid within fifteen days after presentation.

A customer's water service may be discontinued for non-payment of a bill for water service furnished at a previous or different location served by the water division if the bill is not paid within fifteen days after presentation at the new location. (Ord. No. 435, § 3; Ord. No. 466, § 1.)

Sec. 23.5. Same--Liability for payment.

After water service is commenced, the service applicant shall be liable for payment for all water delivered through that particular service and all other charges applicable to said service. Whenever two or more persons jointly make application

for service, they shall receive a single periodic bill but shall be jointly and individually liable for payment of all charges appearing on such bills.

If the service applicant is not the owner of premises for which water service is requested or is not purchasing the premises with a deed of trust or other encumbrance, such owner shall be jointly liable with the service applicant for all charges as set forth herein. (Ord. No. 435, § 5; Ord. No. 466, § 2.)

Sec. 23.6. Same--Billing and payment of monthly water charges.

All water charges shall be due at the commercial office upon presentation of the bill and shall become delinquent fifteen days after presentation. All bills for water charges will be rendered bi-monthly. Meters will be read at regular intervals for the preparation of regular metered service bills and as required for the preparation of closing bills. Should a monthly billing period contain less than fifty-four days or more than sixty-six days, a prorate correction in the bill will be made. Proportionate adjustments will be made when other billing periods are used.

Opening bills, closing bills and other bills requiring proration will be computed in accordance with the applicable schedule prorated on the basis of the number of days in the period to a thirty day month. Should the total period of service be less than one month, no proration will be made and no bill shall be less than the specified monthly fixed minimum charge. (Ord. No. 435, § 7; Ord. No. 555, § 3.)

Sec. 23.7. Conditions of service.

Every customer taking water shall be considered as having expressed his consent to be bound by this chapter, and whenever any one of said rules and/or regulations is violated, the right is reserved to discontinue water service for non-compliance. Unless otherwise provided, the water division shall discontinue water service if the customer fails to comply within five days after the date of written notice of violation. If such noncompliance affects matters of health or safety, or affects the operation, maintenance or other costs of the water division, water service may be discontinued immediately and without notice.

The customer whose water is thus discontinued shall forfeit all deposits made, and the water shall not be turned on again until all unpaid fees and charges are paid and other requirements of this chapter are fulfilled. (Ord. No. 435, § 4.)

Sec. 23.8. Application for service--Required; manner of making; obligations of water system and applicant.

All persons or entities desiring water service from the water system shall make application therefor at the commercial office. Said application shall be in the manner prescribed by the director of public works and shall be signed by the applicant or his authorized agent. Receipt of such application shall not obligate the water system to provide water service until the application has been approved by the director of public works or his authorized agent. The application, a request for water service, shall not obligate the applicant to take such service for any period of time in excess of that upon which the minimum charges for such account are based. (Ord. No. 435, § 5.)

Sec. 23.9. Same--Information to be shown.

All applications for water service shall set forth:

- (a) The definite boundaries of the premises to be served water,
- (b) The purpose and use of the water to be consumed,

(c) An estimate of the maximum instantaneous water demand, and

(d) Such other information and details as may be deemed proper or necessary by the director of public works. (Ord. No. 435, § 5.)

Sec. 23.10. Same--Using water without application.

A person or firm taking possession of premises and using water without having made application to the commercial office for water service, shall be held liable for all the water delivered from the date of the last recorded meter reading. If proper application for service is not made within seven calendar days after notification to do so by the director of public works or if accumulated bills for water service are not paid upon presentation, the water service shall be discontinued without further notice. (Ord. No. 435, § 5.)

Sec. 23.11. Same--Former customer owing bills.

When an application for water service is made by a former customer who has failed to pay all bills for water service previously received or charges in relation to any other service received from the water system, the director of public works shall refuse to furnish water service to said applicant until the outstanding bills and/or charges are paid; and shall also require a cash deposit as a guarantee for the payment of future bills. (Ord. No. 435, § 5.)

Sec. 23.12. Same--Deposit.

If the applicant is not the owner of the premises for which water service is requested or is not purchasing the premises with a deed of trust or other encumbrance, and has not otherwise established his credit, the director of public works, in the absence of a written request from the owner of such premises not to do so, shall require a cash deposit at the time of application. Such deposit shall be in an amount equal to that of the average billing for customer accounts of a similar nature but not less than fifteen dollars.

Upon discontinuance of service, all deposits for that particular customer account shall be refunded, less any charges then unpaid; provided, the refund is more than one dollar and only upon application for amounts less than one dollar and provided further, that any balance of less than one dollar remaining after application of deposit, will not be due. (Ord. No. 435, § 5; Ord. No. 466, § 3; Ord. No. 555, § 4.)

Sec. 23.13. Same--Refusal of service.

The director of public works shall have the right to refuse to furnish water or may discontinue water service to any premises for the following reasons:

- (a) To protect the city and/or the water system from fraud and abuse,
- (b) The requested water service demand may be detrimental or injurious to the water service or other customers,
- (c) The distribution facilities are inadequate to supply the requested water service demand. (Ord. No. 435, § 5.)

Sec. 23.14. Limitations on service.

The director of public works shall have the right to limit the total quantity of water furnished to any premises or to establish the times and the rates of draft at which water may be taken or will be furnished to any premises, although a limit or maximum use may or may not appear on the application or permit for the water service. Should conditions seem to warrant the limiting of water service, the director of public works shall be guided by but not restricted to:

- (a) The past seasonal water use at the premises,
- (b) The effect of current use on other customers, and
- (c) The effect of current use on the water system facilities. (Ord. No. 435, § 5.)

Sec. 23.15. Discontinuance of service and reconnection charges.

The water division may discontinue service without notice to any premises where the use of water thereon by apparatus, appliances or equipment or otherwise is found by the water division to be detrimental or injurious to water service furnished to other customers.

The water division may discontinue water service without notice to any customer when it is discovered the customer has obtained water service by fraudulent means or has diverted the water service for unauthorized use. The water division shall not restore service until the customer has complied with all rules and regulations of the water division and the water division has been reimbursed for the full amount of the service rendered and the actual cost to the water division incurred by reason of such fraudulent use.

A customer may have his water service discontinued by giving notice to the water division not less than two days before its effective date. He will be required to pay all water charges until the effective date stated in such notice. Where notice is not given, the customer will be required to pay for water service until two days after the water division has knowledge that the customer vacated the premises or otherwise has discontinued water service.

The water division may charge for restoring water service which has been discontinued for noncompliance with any of these rules, the following charges:

(a). A charge of \$2.50 for reconnection of service during regular working hours.

(b) A charge of \$5.00 for reconnection of service at other than regular working hours when specifically requested by the customer. (Ord. No. 435, § 6.)

Sec. 23.16. Water service connections generally.

(1) Standard size water service connection: The standard water service connection shall be a 3/4" service pipe and 5/8" meter and the same shall be the minimum required to provide service to a single family dwelling. If a larger connection is requested the same may be installed provided other customers are not thereby deprived of adequate service.

(2) Size for other than single family dwellings: Whenever a water service connection or revision is requested for other than a single family dwelling, the director of public works shall determine the minimum size of the service pipe and meter to be installed. Such determination shall be based on the applicable sections of the city's Plumbing and Building Codes, Fire Ordinances and requirements of the State Department of Public Health and/or other authority having jurisdiction.

(3) New service installations: The water division shall collect the following connection charges for the installation of new water service connections:

a. Service Connection

	Complete Service Connection	Meter Set Only
3/4" service pipe and 5/8" meter ...	\$100.00	\$ 40.00
3/4" service pipe and 3/4" meter ...	115.00	55.00
1" service pipe and 1" meter ...	125.00	75.00
1 1/2" service pipe and 1 1/2" meter .	225.00	140.00
2" service pipe and 2" meter ...	300.00	225.00

b. "Meter set" shall mean installing a meter within an existing meter box and attaching said meter to an existing service line within said meter box. "Service connection" shall mean installing the service line from main line to meter box including setting the meter box and completing the meter set.

c. All new service connections requiring service pipes larger than two inches of internal diameter or greater than fifty feet in length or otherwise different from the service pipe and meter combinations above mentioned shall be charged and paid for on an actual cost basis.

(4) Changes in size: Changes in size of meter, service pipe or both of existing service connections shall be at the expense of the customer. The expense shall be computed on the basis of the new service installation charge less the net cost to the city of the existing meter.

(5) Changes in location: When relocation of an existing meter or service connection has been requested for the customer's convenience, such relocation shall be at the customer's expense for the actual cost thereof. The relocation of existing meters or service connections, when done to protect the property of the water system or the city's interests, will be done without charge to the customer.

(6) Charges payable in advance: Charges for new service connections, changes in size and changes in location for customer's benefit shall be due and actually paid before any work is commenced or material ordered. Whenever said

charges are to be the actual costs, the estimated cost shall be deposited with the commercial office before any work is commenced or material ordered, and upon completion of the work the actual cost shall be compiled and any difference between the actual and the estimated cost shall be billed or refunded to the customer's account.

(7) Title to water service connections: Title to all meters, service pipes and appurtenances used in providing a water service connection shall vest in the water system and the charges hereinbefore set forth are for connection and do not convey any right of title to said facilities.

a. The water service connection is for a water supply to the premises stipulated on the application and is not transferable to any other properties or premises.

b. If the water service is discontinued or abandoned, no right of refund or connection charges or credit in any manner accrues to the applicant or customer or his successor.

(8) Location of service connections: Water service connections shall be installed only in public streets and/or easements or rights of way under the control of the water system.

a. Where the premises to be served front on more than one street, the director of public works shall have the right to designate on which frontage the service connection shall be installed.

b. New or relocated meters shall be installed in the public sidewalk near the street curb or behind and adjacent to the public sidewalk within the publicly owned and controlled right of way.

c. It shall be unlawful for anyone to enclose a water meter with a fence, wall or hedge or otherwise obstruct access to water service meters. Upon the failure or refusal of the owner or customer to remove any such unlawful obstruction within a reasonable time after written request to do so, the director of public works shall, at his option, order:

(1) The discontinuance of water service to the premises until the obstruction is removed, or

(2) The customer to pay an additional charge of two dollars, as penalty, for each meter reading taken until the obstruction is removed.

(9) Service connection to separate premises: A single service connection shall not serve more than one premises. Separate premises under a single ownership, control or management shall only be supplied water through separate service connections unless the director of public works, for good and sufficient reasons, shall determine otherwise.

(10) Service connections to separate consumers: Each separate consumer shall only be supplied water through a separate service connection unless the director of public works shall determine otherwise.

a. Where more than one consumer is supplied through a single service connection, the owner of the property, or other person agreed upon, shall be liable for payment for all water furnished through said single service connection.

b. Wherever it is practical to serve separate customers through separate service connections, the director of public works shall require separate service connections for each separate customer.

(11) Premises outside city: Applications for new or revised water service connections to supply water to premises which are located wholly or partly outside the corporate limits of the city shall not be accepted or approved, nor shall the service connection be ordered installed, until the owner of the premises has executed and delivered to the director of public works a recordable agreement running with the land, whereby as a condition of water service the premises will be annexed to the city. The agreement shall be in the form prepared by the director of public works and approved by the city attorney.

(12) Service connections requiring main extension: In no event shall a water service connection be installed unless a water main of adequate capacity and delivery pressure extends in a public street or right of way across the entire frontage of the property to be served water. Wherever as a prerequisite to service a water main must be extended, the same shall be installed in compliance with the provisions hereinafter set forth.

(13) Group water service connection in subdivisions: In any subdivision where and when the person, firm or corporation so subdividing a complete subdivision, or complete unit thereof, is installing water mains, such person, firm or corporation, hereinafter designated as "subdivider", shall install the water service connections to such mains under the following rules and regulations:

a. Installation of water service connections, and the term "water service connection," shall mean installation of all necessary pipe, fittings, hydrants, valves and devices, from water main to and including any curb stop or yoke and in a condition for setting of meter, including meter box.

b. Subdivider shall install the water service connections to the mains in said subdivision at the sole cost and expense of subdivider with such work done either by subdivider or by contract made by subdivider; provided, however, that such installation shall at all times be made pursuant to such specifications as may be furnished to subdivider by the city engineer, and unless such installation is approved by the city engineer in writing, no meter shall be installed to any service connection not so approved, nor any water supplied thereto.

c. In the event that pursuant to any rules or regulations adopted by the water division as hereinafter provided, the city has agreed to repay to any subdivider the cost of any water mains, the cost of any water service connections shall not be included in said payment.

d. Upon request from subdivider, the City of Vacaville will furnish materials for the installation of water service connections at cost plus any taxes and freight and plus five per cent.

(14) Duties of director of public works: All sums required to be paid under these rules shall be paid to the director of public works, or his agent, and he shall issue a receipt therefor and pay the money into the city treasury and he shall thereupon procure all materials required therefor. (Ord. No. 435, § 8.)

Sec. 23.17. Special service connections.

(1) Fire service connections--Size; approval and cost of installation; check valve; use and test of service: When an application is made for fire service connections, such sprinkler and fire service installation shall not be less than four inches in size and shall be approved by the fire chief and by the inspection bureau of the Board of Fire Underwriters of the Pacific before water service is commenced. Installations to be at applicant's expense.

Each fire service shall have installed therein a detector check valve of such pattern and design as approved by the director of public works.

A "detector check valve" is defined as a spring-loaded or weight-loaded swing check valve equipped with a metered bypass.

Water furnished through fire services shall be used only for extinguishing fires or for authorized testing of the fire fighting system. Whenever a consumer wishes to test, he shall notify the commercial office at least two working days before making such test.

(2) Same--Unauthorized use: Where an existing fire service connection is not equipped with a detector check valve, the following applies: If it is found an unauthorized connection has been made or that an unauthorized use has been made of the fire service connection, the consumer shall be notified to discontinue such unauthorized connection or use, and if said consumer fails or refuses to do so, the water to said service shall be shut off, and not turned on again until a proper detector check valve has been installed.

(3) Same--Water for fire storage tanks: Water may be obtained through a fire service connection for filling a storage tank for fire protection purposes, but only if written permission is secured from the commercial office in advance, and if an approved means of measurement is available. The standard water rates hereinafter set forth shall be applied to the quantity of water so furnished.

(4) Temporary service--Metering; permit: Whenever practical, all water furnished through a temporary service connection shall be metered. Permits for temporary service connections shall be valid for a period not exceeding sixty days after installation. The director of public works may extend such permit for one additional sixty day period only. Upon the discontinuance of use or termination of the period allowed by the permit, the temporary service shall be disconnected and dismantled or removed.

(5) Same--Deposits: The applicant shall make a cash deposit with the commercial office prior to issuance of a permit for a temporary service connection.

a. The deposit shall equal the estimated costs of installing and removing the facilities necessary to provide such service, including the value of materials, and

b. Unless the applicant has otherwise established credit, the cost of water estimated to be used during the entire period of service.

(6) Same--Refund of deposit: Upon discontinuance of the temporary service and upon the completion of dismantling of the connections, the deposit shall be refunded without interest (upon application therefor) less any charges then unpaid, including the value of materials used (less salvage value) and materials lost or damaged beyond repair.

(7) Street construction water services: Unless otherwise provided, contractors engaged in street construction work shall not take water from the water system except under the terms and conditions above set forth for temporary service connections.

(8) Subdivision construction water service: When it is impractical in the opinion of the director of public works to install a temporary water service connection for the building construction work in a subdivision or to otherwise meter the water required for such building construction, the director of public works may allow the subdivider or developer to install water service connections without meters, provided that:

a. The subdivider or developer agrees to use the un-metered services only for actual testing and inspection of water facilities within the houses under construction.

b. All of the temporary service connections shall be disconnected from the house piping and a meter installed prior to selling or transferring any title or interest to the premises or otherwise permitting occupancy of the premises.

c. A fee of 1.5 times the number of lots within the subdivision multiplied by the monthly minimum for a 3/4" x 5/8" service will be charged the subdivider or developer for each six-month period or portion thereof that water is being withdrawn from unmetered sources for house construction. (Ord. No. 435, § 9.)

Sec. 23.18. Extension of facilities.

(1) Application; deposit; survey: Applications for water main extensions shall be made at the commercial office and shall be accompanied by a deposit of ten dollars for each lot to be served in the case of a subdivision, or otherwise sixty dollars for each acre to be served. The director of public works shall cause a survey to be made to determine the adequacy of existing mains, if any, to serve the property of applicant.

(2) Fire hydrants: In preparing plans to extend water mains to serve property within the city, the director of public works shall provide for the installation of fire hydrants. The cost of such hydrants shall be included as a part of the water main extension and shall be paid for by applicant.

(3) Estimate of cost; procedure with or abandonment of installation; refund of deposits: The director of public works shall cause an estimate of installation costs to be prepared including therein costs of survey, specifications and estimates.

The specifications and cost estimates shall be furnished to applicant who shall within sixty days elect to proceed with the installation or abandon the same. If the applicant withdraws the application for the water main extension, all deposits made by applicant less costs of survey, specifications and estimates shall be refunded to him.

(4) Installation at applicant's cost and expense; obtaining bids and approval thereof: In the case applicant elects to proceed with the water main installation, he shall

install the same at his own cost and expense. Applicant to receive credit against said costs to the extent of deposits made under subsection (1) hereof.

However, when the water main extension will be of benefit to properties other than that owned by the applicant and therefore the cost of the main extension will be the basis for calculating charges to other customers and for calculating refunds, if any, to any applicant, the applicant shall obtain not less than two bids for the work and the director of public works shall approve the cost prior to the beginning of any construction.

(5) Standard specifications: The director of public works shall prepare specifications for the construction of water system facilities. A copy of the standard specifications shall be filed with the city clerk and after their approval and adoption by resolution of the city council, they shall govern all extension, additions and revisions to the water distribution system.

(6) Surety bonds: In the event applicant installs water main extension facilities, he shall furnish the city a surety company bond in an amount equal to at least one-half the director of public works' estimate of the installation costs, to guarantee faithful performance by the applicant, and a surety company bond in an equal amount to guarantee claims of persons employed by applicant and claims of persons who furnish materials, supplies and implements used by applicant on such work.

(7) Bill of sale: When water main extension facilities are installed and upon the execution and delivery by applicant of a good and sufficient bill of sale of said facilities to the city, water shall be furnished to applicant's property.

(8) Refunding procedure: The water division may adopt, with the approval of the city council, rules and regulations providing for the refunding to applicants who have, with approval of the water division, paid for a water main extension, all or any portion of said cost as subsequent applicants are permitted to connect thereto.

Current copies of any such rules and regulations so adopted will be kept in the commercial office and shall be made available to applicants for water service. (Ord. No. 435, § 10.)

Sec. 23.19. Fire hydrants.

(1) Purpose; use restrictions: Fire hydrants are provided for the sole purpose of extinguishing fires and are to be opened and used only by the water division and fire department or such persons as may officially be authorized to do so.

(2) Operation: To insure the safety of fire hydrants for fire protection, any person authorized to open fire hydrants shall use only an approved spanner wrench and shall replace the caps on the outlets when not in use.

(3) Temporary service: If temporary service is to be supplied through a fire hydrant, a permit for same must be obtained from the commercial office, and such permit must be exhibited upon the work while taking water.

(4) Relocation: Property owners and/or others desiring the removal or change in location of a fire hydrant or hydrants shall first make a request, in writing, of the water division. After obtaining the approval of the fire chief of the proposed removal or relocation, the director of public works shall prepare an estimate of cost of the proposed work. Before the water division can proceed with the work or order materials for same, the person or persons requesting the removal or relocation must deposit an amount equal to the estimated cost with the commercial office. Upon completion of the work the actual cost shall be compiled and any difference between the actual and the estimated cost shall be billed or refunded for the applicant's account. (Ord. No. 435, § 11.)

Sec. 23.20. Inspections.

The director of public works or his duly authorized agents shall at all reasonable times have the right to enter or leave the customer's premises for any purpose properly connected with service to the customer. (Ord. No. 435, § 12.)

Sec. 23.21. Construction or street work.

All persons engaged in construction or street work shall give at least ten days' written notice to the water system for the removal or displacement of water system facilities that

may interfere or conflict with street work, and any damage resulting to said facilities from such failure to give notice shall be charged against the person engaged in such work. All costs involved in the removal or displacing of water facilities shall be paid by the person engaged in such work, except where provisions of county or state encroachment permits or city permits or contracts state otherwise. (Ord. No. 435, § 12.)

Sec. 23.22. Emergency shut off.

In case of fire, or alarm of fire, or in making repairs, or in constructing new work, the water division shall have the right to shut off water from any customer or number of customers without notice and to keep it shut off as long as it may be necessary. In case of fire, or alarm of fire, the use of fountains or yard sprinklers is prohibited, should circumstances warrant. (Ord. No. 435, § 12.)

Sec. 23.23. Nonliability for damages resulting under certain conditions.

The water system shall not be liable for damages resulting from:

a. Any interruption of service or damage caused by spigots, valves, and/or other equipment or fixtures that are open when water is turned on, either when water is turned on originally or when turned on after a temporary shut off.

b. Any increase or decrease in delivery pressure, since the water service is subject to such variations in pressure as may be from time to time required or occur in the operation of the distribution system. (Ord. No. 435, § 12.)

Sec. 23.24. Persons authorized to tap mains and reconnect service pipes.

No person except an employee of the water system shall tap any of the water pipes of the main line or distribution system or insert tees, stopcocks or ferrules therein. Where service pipes are found disconnected at the water system cock, they shall be reconnected only by an employee of the water system. (Ord. No. 435, § 12.)

Sec. 23.25. Reselling and redelivery of water.

It shall be a violation of these regulations if water received from this system is resold or redelivered to premises other than those stipulated in the water service application. (Ord. No. 435, § 12.)

Sec. 23.26. Contractural rates.

The city council of the city reserves, pursuant to section 23.2 of this Code, the right to negotiate by contract rates different than those herein expressed, and that said contractual rates shall take preference over any other rate, or rates herein set forth. (Ord. No. 435, § 12.)

Sec. 23.27. Service to annexable territory.

Anything in this chapter to the contrary notwithstanding, no water or water service shall be sold or furnished in any territory which at the time of the application for such water service or meter installation is annexable under the laws of the State of California to this city, but is not then within and a part of this city; provided, however, that in any territory outside of the city now served by the water system of this city, extension of such service within such territory as the same is now served may be made only upon express approval by the council. (Ord. No. 435, § 12.)

APPENDIX.

ZONING ORDINANCE.³

Editor's note.--This Appendix consists of Ordinance No. 410 as amended by Ordinance No. 418 which was passed on the 18th day of June, 1957. Ordinance No. 410 was passed on August 28, 1956. Amendments are indicated by editor's notes. The original numbering has been retained and catchlines have been supplied.

3. For state law as to zoning regulations generally, see Gov. C. A., §§ 65800 to 65808. As to the administration of zoning regulations, see Gov. C. A., §§ 65850 to 65857.

For planning commission generally, see §§ 2.18 to 2.20 of this Code.

- Sec. 1. Purposes.
2. Use permits.
3. Application of provisions of section 2 to single-family dwellings.

- Sec. 4. Territory covered by Zoning Ordinance.
5. Enforcement.
6. Validity.
7. Repeal of conflicting ordinances.
8. Effective date.
9. Enactment.

ORDINANCE NO. 410

AN ORDINANCE APPLYING CERTAIN REGULATIONS TO THE USE OF LAND, BUILDINGS, AND/OR STRUCTURES AND TO THE ERECTION, CONSTRUCTION AND ALTERATIONS OF BUILDINGS, STRUCTURES AND IMPROVEMENTS IN THE CITY OF VACAVILLE: DESCRIBING THE INTERIM NATURE AND URGENCY OF SUCH REGULATION: AND PRESCRIBING THE PENALTY FOR THE VIOLATION OF ANY OF THE PROVISIONS HEREOF.

THE CITY COUNCIL OF THE CITY OF VACAVILLE do ordain as follows:

Sec. 1. Purposes.

The city council of the City of Vacaville having heretofore entered into a written agreement, in conjunction with the County of Solano, with Lawrence Livingston, Jr., City and Regional Planning Consultant, for the preparation, by said planning consultant, of a "General Plan", for certain areas both within and without the City of Vacaville as same are more particularly described in said agreement; and the city council contemplating that as a result of said "General Plan" certain changes will be made in the existing Zoning Ordinance and the Subdivision Ordinance⁴ of the City of Vacaville, said city council hereby declares it to be its intention

to proceed with the consideration of tentative and final reports by said planning consultant, when the same shall have been made, and on the basis of such reports, to consider from time to time a revision of said existing Zoning and Subdivision Ordinances, in the manner prescribed by law, for the purpose of applying the proposals set forth in said general plan. Said city council hereby finds that, owing to the territorial extent of said city, the diversity of interests therein and the necessity for the making of careful studies and thorough analysis of facts in the preparation of the aforesaid contemplated revision of the existing Zoning and Subdivision Ordinances of said city, considerable time will necessarily elapse before the adoption of said revisions covering the territory located within said city, and that certain regulations of an interim nature are necessary to be adopted at this time in order to assure the orderly and harmonious development of said city, to protect the character and stability of residential areas and of sound land uses in general and otherwise to protect the public interests, health, comfort and convenience and to preserve the public peace, safety and welfare, pending the preparation and adoption of the aforesaid revisions. Said regulations are hereinafter in this Ordinance set forth.

4. For Subdivision Ordinance, see
ch. 18 of this Code.

Sec. 2. Use permits.

Except as hereinafter provided in section 3 hereof, no use of any land, building or other structure shall hereafter be established or established and conducted, and no building or other structure which is designed and/or intended to be used for any purpose shall hereafter be erected or constructed, reconstructed, moved, converted, altered or added to within the City of Vacaville unless and until, in such case, a use permit for such establishing or establishing and conducting or for such erection,

construction, reconstruction, moving, conversion, alteration or addition shall first have been secured from the city council of said city. Application for use permits under the provisions of this Ordinance shall be made upon forms supplied by the office of the City of Vacaville planning commission and filed at said office. The application shall be accompanied by a fee to be set by the city council sufficient to pay the cost of handling the application and the expense of the services of such consultants as may by the city council be deemed necessary. No part of such fee shall be refundable. Said application shall also be accompanied by plans of any existing or proposed building or structure, the front, side, and rear elevations thereof, and the grounds thereof, all drawn to scale and fully dimensioned.

The City of Vacaville planning commission shall consider the same and shall report its recommendation with respect thereto to the city council of the City of Vacaville. Said city council shall consider such application and report at its next succeeding meeting following receipt of such report from the planning commission. Said city council may issue such permit, if, in the opinion of said council, the proposed building, structures or use will not be detrimental to the character or development of the neighborhood thereof and will not otherwise adversely affect the welfare of said territory and/or of said city, or said city council may refuse to issue such permit, or issue such permit subject to specified conditions designed to accomplish the purposes of this Ordinance.

A use permit shall lapse and shall become null and void six (6) months following the date on which the use permit became effective unless prior to the expiration of six (6) months a building permit is issued and construction is commenced and diligently pursued toward completion on the site which was the subject of the use permit application. A use permit may be renewed for an

additional period of six (6) months, provided, that prior to the expiration of six (6) months from the date when the use permit originally became effective, an application for renewal of the use permit is filed with the planning commission. The commission may grant or deny an application for renewal of a use permit. Within ten (10) days of a decision by the commission denying an application for renewal, the decision may be appealed to the city council which shall render a decision on the application for renewal.

Sec. 3. Application of provisions of section 2 to single-family dwellings.

The provision of section II herein set forth above shall not apply to:

3-1: Single-family dwellings having the following described characteristics:

3-1.10: Front Yard: A front yard of not less than twenty (20) feet to the front line of the main portion of the building and not less than ten (10) feet to the front line of a porch or paved terrace, provided, however, that:

Where lots comprising forty (40) per cent or more of the frontage between two intersecting streets are developed with buildings having an average front yard with a variation of not more than six (6) feet, no building hereafter erected or structurally altered shall project beyond the average front yard line so established. Where vacant property exists between two buildings which have front yards of less than twenty-five (25) feet, the front yard of the vacant property shall be the average of the front yards on either side thereof.

3-1.11: Rear Yard: A rear yard not less than twenty (20) feet in depth.

3-1.12: Side yard: A side yard equal to not less than ten (10) per cent of the width of the site. Cornices, canopies, eaves, or any other architectural features may not extent beyond the side walls of such dwelling to a point closer than three (3) feet from the side yard property line.

3-1.13: Frontage: A frontage of not less than sixty (60) feet. Provided, however, that nothing herein shall be deemed to prevent the city council from issuing use permit on a lot having a frontage of less than sixty (60) feet if it deems it proper to do so.

3-1.14: Height of Structure: Height not in excess of thirty-five (35) feet.

3-1.15: Off-Street Parking: Not less than one off-street parking space, located in a garage or car port, on the site of each one-family dwelling.

3-1.16: Corner Lots: On corner lots the side yard regulations shall apply to the street site of the lot except where the rear line of the corner lot coincides with a part of the side line of the lot upon its rear, in which case no accessory building upon the corner lot shall project in front of a line drawn from the front yard line of the lot at the rear to the side yard line of the corner lot; provided further, that this regulation shall not be so interpreted as to reduce the buildable width of a corner lot facing an intersecting street and of record at the time of the passing of this Ordinance to less than twenty-eight (28) feet, nor to prohibit the erection of an accessory building where this regulation cannot reasonably be complied with.

3-2: Accessory buildings to single-family dwellings and located not less than three (3) feet from any property or lot line, including one private garage when located not less than sixty (60) feet from the front

line nor less than fifteen (15) feet from any other street line. A private garage constructed as a part of a main building shall not extend into either side yard or front yard. All garages or subordinate structures shall be erected and maintained only as accessories to the dwelling situated on the same lot or ground. It shall be unlawful to use any lot in residence districts solely for the erection and maintenance thereon of garages or other subordinate structures.

3-3: A one-family dwelling and structures accessory thereto may be erected on a site with a frontage of less than sixty (60) feet, which is shown on a subdivision map now on file with the city council or duly approved and recorded, or for which a deed or valid contract of sale was of record prior to the adoption of this Ordinance, and which had a legal frontage at the time that the subdivision map, deed or contract of sale was filed or recorded, provided, that the use of the land and the construction and location of structures shall be subject to all other regulations prescribed in this section.

Editor's note.--Section 3, Par. 3-1.
12 was amended by Ordinance No. 418,
Section 1.

Sec. 4. Territory covered by Zoning Ordinance.

The territory falling within the provisions of this Ordinance is all of that area lying within the boundaries of the City of Vacaville, County of Solano, State of California, as they now exist or as same may change from time to time by the annexation to said city of unincorporated areas presently lying without said boundaries.

Sec. 5. Enforcement.

All departments, officials and public employees of

the City of Vacaville which are vested with the duty or authority to issue permits or licenses shall conform to the provisions of this Ordinance and shall issue no such permit or license for uses, buildings or purposes if the same would be in conflict with the provisions of this Ordinance, and any such permit or license if issued in conflict with the provisions of this Ordinance, shall be null and void.

It shall be the duty of the building inspector of the City of Vacaville to enforce the provisions of this Ordinance pertaining to the erection, construction, reconstruction, moving, conversion, alteration or addition to any building or structure.

It shall be the duty of the chief of police of the City of Vacaville and of all officers of said city herein and/or charged by law with the enforcement of this Ordinance to enforce this Ordinance and all the provisions of the same.

Any person, firm or corporation, whether as principal, agent, employee or otherwise, violating or causing or permitting the violation of any of the provisions of this Ordinance shall be guilty of a misdemeanor, and, upon conviction thereof, shall be punishable by a fine of not more than three hundred dollars (\$300.00) or by imprisonment in the county jail of Solano County for a term not to exceed three (3) months or by both such fine and imprisonment. Such person, firm or corporation shall be deemed to be guilty of a separate offense for each and every day during any portion of which any violation of this ordinance is committed, continued or permitted by such person, firm or corporation, and shall be punishable as herein provided.

Any building or structure set up, erected, constructed, altered, enlarged, converted, moved or main-

tained contrary to the provisions of this Ordinance shall be, and the same is hereby, declared to be unlawful and a public nuisance and the city attorney of said city shall upon order of the city council immediately commence action or proceedings for the abatement and removal and enjoyment thereof in the manner provided by law and shall take such other steps and shall apply to such court or courts as may have jurisdiction to grant such relief as will abate and remove such building or structure and restrain and enjoin any person, firm or corporation from setting up, erecting, building, maintaining or using any such building or structure or using any property contrary to the provisions of this Ordinance.

The remedies provided for herein shall be cumulative and not exclusive.

Sec. 6. Validity.

If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this Ordinance. The city council of the City of Vacaville, State of California hereby declares that it would have passed this Ordinance and each section, subsection, sentence, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences or phrases be declared unconstitutional.

Sec. 7. Repeal of conflicting ordinances.

All other ordinances or parts of ordinances in conflict herewith are hereby repealed.

Sec. 8. Effective date.

This Ordinance is hereby declared to be an urgency

measure and shall take effect and be in force immediately upon its adoption and shall be published one time in the Vacaville Reporter, a newspaper of general circulation printed and published in said city. The conditions constituting such urgency are those matters recited in section 1 hereof, to which reference is hereby made.

Sec. 9. Enactment.

This Ordinance shall be published one time in the Vacaville Reporter, a newspaper of general circulation, printed and published in the City of Vacaville.

Introduced at a regular meeting of the city council of the City of Vacaville, held on the 31st day of July, 1956, and passed at a regular meeting of the city council of the City of Vacaville, held on the 28th day of August, 1956, by the following vote:

AYES : Councilmen - Coffey, Gilley, Clark,
Coble and Porter.
NOES : Councilmen - None.
ABSENT : Councilmen - None.

S/ Albert S. Porter
Mayor of the City of Vacaville, Calif.

Attest: S/Olive M. Hamlin
City Clerk

I hereby approve the foregoing Ordinance.

S/ Albert S. Porter
Mayor of the City of Vacaville, Calif.

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